THE
NATION

SEPTEMBER 21, 1957 . . 25c

NEW PERSPECTIVES on the STRANGEST CASE of OUR TIME . .

by Fred J. Cook

EAST TENNESSEE STATE COLLEGE
JOHNSON CITY, TENNESSEE

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LETTERS

Cuban Manifesto

Dear Sirs: Since my article, The New Crime of Cuba, appeared in your issue of June 29, I have received via Mexico the text of a manifesto issued in the name of "The July 26 Movement," the largest of the groups backing Fidel Castro in Cuba. Entitled *Nuestra Razon* (Our Reason), the document supplies the ideological background to the Cuban revolt which I think it important for your readers to know. The following, then, is a summary of the text.

Three major forces have operated in Cuba: Spanish, Cuban and North American. Independence in 1898 was a mutilated one. Spanish colonialism ceased, but Spanish culture and the colonial mentality persisted in large sectors of the population and in governing methods, and a new type of alien coercion was introduced with the Platt Amendment, which permitted American ambassadors to exercise "more authority than the Cuban Presidents." Through American absorption of Cuba's resources, the Cuban has become "a pariah living by charity handouts on his own soil."

The first real movement of the people came with the September, 1933, revolution; a people's government that lasted "a hundred days" before being betrayed by Batista, Sumner Welles and Jefferson Caffery. In those hundred days, "more was done to defend the national interests and the people than by all the governments during the thirty previous years of the Republic." The manifesto then recites the subsequent failure of the various parties and the corruption of the Grau-Prio regime, when the original political figures of 1933 returned to office—a corruption which helped make possible Batista's military coup of 1952. The betrayal of labor by Batista, the corruption of his government and his improper concessions to American capital are recited.

"The [current] revolt in the Sierra Maestra is the first necessary step toward a more dignified and brighter future; the logical antecedent of the revolutionary program." Thus it "is not a war nor an isolated episode, but a continuing historical process . . . that began with the landings of the forces of Narciso Lopez to combat Spanish rule more than a hundred years ago."

The program of the revolt is synthesized under seven heads:

Political: Full national sovereignty, government based on sacred respect for the constitution and law, true representation of the people in the legislature, respect for individual rights, democratic parties, honest suffrage, punishment of those responsible for crimes against democratic order.

Economic: A government policy looking toward the achievement of economic independence; development of new means of production and employment; land reform; the creation of a middle-class of farm owners; new factories, mines and farms to take care of the 100,000 new workers each year; diversification of agriculture; control of trade to provide an adequate market; promotion of cooperatives; nationalization of public utilities; stimulation of foreign investments; establishment of a merchant marine, expansion of foreign trade.

Social: Government policy to promote organic social unity; elevation of labor to true partnership in production; progressive increase of wages; reform of social security to apply it to every citizen; guarantee of the right to strike, establishment of union democracy; public health, hospitals and socialized medicine; penal reform and proper education; outlawing of gambling and the lottery; education for proper racial integration; social aid to education for the underprivileged; public housing.

Education: This contains the conventional phrases regarding free compulsory education, but emphasizes expansion of technical-professional schools, active combatting of illiteracy, special attention to rural education, control of the Ministry of Education by technically prepared people.

Judicial: This contains five clauses for the reform of the courts, the law and the penal system.

International: A policy favoring an international system of justice and peace with special emphasis on improving inter-American relations; revision of all treaties which limit national sovereignty and independence; increased commercial and economic interchange among the American nations; promotion of Latin American unity in educational and monetary systems; active combatting of dictatorships in the Americas; the defense and enforcement of the Charter of Human Rights in the Americas; right of political asylum.

Thus the manifesto ends. Meanwhile, Castro has just issued his own manifesto, calling on the movement to decide who shall head up the provisional revolutionary government, when and if it takes over, and promising free elections within one year of taking over power.

CARLETON BEALS

Guilford, Connecticut

A Church Appeal

Dear Sirs: Men and women, white and Negro, who stand for what they believe as Christians, are undergoing persecution comparable to what members of the early Church endured. The undersigned, representing different segments of the Christian faith, have welcomed the invitation of the Fellowship of Reconciliation to form a special committee to bring this situation to your attention. We believe Christians everywhere will want to join us in making financial aid available.

Checks should be sent to the Fellowship of Reconciliation, Box 271, Nyack, New York. They are tax-deductible.

Signed: Dr. G. A. Buttrick, Bishop Matthew W. Clair, Jr., Dr. Henry Hitt Crane, Dr. Edwin T. Dahlberg, Dr. Elmer A. Fridell, Rt. Rev. W. Appleton Lawrence, Prof. John Oliver Nelson, Prof. Paul Scherer, Prof. Henry Cadbury.

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NEW YORK, SATURDAY, SEPTEMBER 21, 1957
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THE NATION

The Hiss Case and the American Conscience

EARLY THIS SUMMER the editors of *The Nation* decided that the time had arrived for a thorough re-examination of the strangest case of our time—the case of Alger Hiss. In the new climate of opinion that has come into being since the demise of McCarthyism, it should be possible, we reasoned, to win a fair hearing for a fresh analysis of a case that has long burdened the American conscience. Unlike 1950—when Hiss was convicted—the attention of the country is fixed today not on foreign menaces, real or imagined, but on issues of human rights and justice, as a remarkable series of recent Supreme Court decisions attest.

Some cases simply will not die, even though the verdict seems to comport with prevailing standards of justice and to carry high official sanction. Witness the cases of Captain Dreyfus and of Sacco and Vanzetti. In our time it is the case of Alger Hiss that continues to nettle the American conscience. In some ways it is strange that this should be so. Hiss was not a member of a persecuted minority, like Dreyfus; nor was he an immigrant, a fish peddler or a cobbler. Ample resources were available for his defense. He was tried not once, but twice; both times he was represented by distinguished counsel. His conviction was appealed to the highest courts; every available legal remedy was fully tested. In the end, he served his full sentence in a federal prison. Yet doubts about the case survive.

The cases that refuse to die are those in which, because of the nature of the charges and the political clamor they create, the public itself becomes implicated. It is as if not twelve men, but a whole nation, sits in the jury box. Charge and counter-charge, the personalities involved, become part of the moral and social history of the times; and even when justice is finally done, the cases are remembered as testaments to a people's persistence in the pursuit of justice as a paramount national ideal.

All such cases, and the Hiss one followed the pattern, carry with them the clear and appalling implication that if the court verdict was wrong, a government agency, federal or state, might be compromised; and that majority opinion, in a moment of passion, has sanctioned injustice. Inevitably, in such instances, the final verdict—the verdict not of twelve but of 170,000,000—comes slowly; it is only as passions subside that re-appraisal of the evidence is possible.

In our effort to project a re-examination of the Hiss case, we sought not a ponderous reassessment of the kind that might be undertaken by a legal scholar, a criminologist or a social psychologist, but rather a new, fresh look by someone skilled in synthesis and with a gift for analyzing the complex. Above all, we sought some one not weighted down by ideological baggage. This suggested a first-rate crime reporter, a breed of journalist known for its shrewdness, skepticism and ability to take an unblinkered view of motive, fact and fable. When we first spoke to Mr. Cook, we asked him if he held an opinion about the guilt or innocence of Alger Hiss. He replied that if he had any opinion at all, it was a vague one that Hiss was guilty. But, he added, he had not followed the case closely, had not reported it, had never read the transcripts or any of the books about the case. Nor had he ever met either Hiss or Chambers.

Thus, whatever conclusions Mr. Cook reached, were reached in the preparation and the writing of the article to which this special issue of *The Nation* is devoted.

Mr. Cook, a frequent contributor to these columns, is on the staff of one of New York's metropolitan dailies, and is one of the nation's top crime reporters. A few years ago, his shrewd reappraisal of the facts freed Paul A. Pfeffer of a murder charge in the New York courts. His latest book, written with former Senator Robert C. Hendrickson of New Jersey, first chairman of the Senate Subcommittee on Juvenile Delinquency, is *Youth in Danger*.

In our view Mr. Cook has put together the clearest, most coherent account of the long-drawn-out, complex case that has appeared to date. His analysis compels the reader to a reassessment of those aspects of the trials which have consistently troubled the American conscience. And so we commend it to the thoughtful consideration of the enlarged jury made up of those Americans who believe with us that impartial justice under law is one of this country's abiding ideals.—THE EDITORS.

SEP 18 '57

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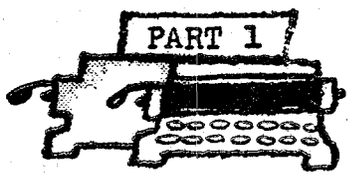
HISS

New Perspectives On the Strangest Case Of Our Time

by Fred J. Cook



The Prothonotary Warbler

ALGER HISS, tall and boyish-looking in a tweedy, English-country-gentleman way, stood in Federal Court in New York on Jan. 25, 1950, and spoke a few final words in his own defense. He had just been sentenced to five years in a federal penitentiary for perjury—a charge that, due to technicalities of the law, had been substituted for the real charge, treason. After re-asserting his innocence, Hiss said:

> I want only to add that I am confident that in the future the full facts of how Whittaker Chambers was able to carry out forgery by typewriter will be disclosed.

This was a new charge, made belatedly after two marathon trials. And it was, at best, an over-simplification of the real issue. For the story told by Whittaker Chambers had received the full endorsement of the Federal Bureau of Investigation and the U.S. Attorney General's office; and if, in this sensational case, there is truly such an element as "forgery by typewriter," it is almost inconceivable that Whittaker Chambers, alone and unaided, could have concocted the plot. He must have had collaborators.

Today, more than seven years after Alger Hiss injected the "forgery by typewriter" charge into this infinitely complicated case, it is still not susceptible of proof, but neither has it died the way flimsy and baseless charges, given time, die of their own accord. It persists, and by the very fact of its persistence, it is a disturbing nettle in the American conscience. For in the Alger Hiss case there can be no compromise. Either Alger Hiss was a traitor to his country and remains one of the most colossal liars and hypocrites in history, or he is an American Dreyfus, framed on the highest levels of justice for political advantage.

One cannot hope to form an opinion on this vital question without first reviewing, at least in outline form, the step-by-step development of the case and then weighing, item by item, the crucial evidence on which judgment must pivot.

Never were two more starkly contrasting characters cast as the protagonists of national drama than Alger Hiss and Whittaker Chambers. Hiss, born in Baltimore in 1904, had had a distinguished career, mingling with the great men and playing a hand in shaping the great events of his age; Chambers, three years older, had struggled through a Dostoevski-like nightmare—a disrupted home featured by a mother who slept with an axe under her bed, a drunken grandfather, an insane grandmother who went around picking up knives, a younger brother morbidly fascinated with suicide who, in the end, actually killed himself.

For Alger Hiss, until the storm broke about him with Whittaker Chambers' accusing testimony on Aug. 3, 1948, life had seemed to follow one clear and continuous path of achievement. After a prep school education, he had entered Johns Hopkins University and had graduated with Phi Beta Kappa honors. He had then attended Harvard Law School, and during his last two years had been on the Harvard *Law Review*. When he left Harvard, his scholastic attainments were such that, in October, 1929, he won a coveted appointment as secretary to one of the most famous of modern Supreme Court Justices, the late Oliver Wendell Holmes.

This was merely the beginning. Subsequently, in 1933, after a brief period with a prominent New York law firm, Hiss entered government service. He rose steadily in rank. In 1934, he was legal assistant to the Nye committee in its probe of the profits of the munitions industry.

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He next served in the Justice Department under Solicitor General, later Supreme Court Justice, Stanley Reed. In 1936, he was transferred to the State Department as assistant to Assistant Secretary Francis B. Sayre, son-in-law of Woodrow Wilson. The war years brought Hiss into even greater prominence. He was secretary to the American delegation at the Dumbarton Oaks Economic Conference in 1944; he was in the American delegation that accompanied President Roosevelt to Yalta; he was secretary-general of the San Francisco Conference at which the United Nations was born. Finally, in December, 1946, he was elected president of the Carnegie Endowment for International Peace at a salary of $20,000 a year.

Whittaker Chambers' career had been as checkered as Hiss's had been smoothly distinguished. His twisted boyhood had left an indelible imprint on the man. He was later to admit under cross-examination in the Hiss trials that, while a student at Columbia University, he had written a *Play for Puppets* that blasphemed Christ and held up Christianity as "a sadistic religion." He admitted writing pornographic poetry, admitted the theft of books from the Columbia University Library, admitted living in a New Orleans dive, the home of a prostitute, when he was only seventeen. He admitted that he had frequently committed perjury, even after he had discovered conscience and had left the Communist Party.

Despite this sordid past, Whittaker Chambers, too, had achieved a position of distinction in life. After he broke with communism, he eked out a precarious living doing book translations, then went to work for *Time*. A brilliant writer, possessed of fierce energy that sometimes enabled him to merge two working days into one without sleep, he rose to the status of senior editor at a salary of $30,000 a year.

THESE WERE the principals who were to clash in irreconcilable conflict before the House Un-American Activities Committee in the summer of 1948. The timing has, perhaps, a certain significance. It was at the beginning of a Presidential campaign. President Roosevelt, who had routed Republican adversaries with such ease for so long, had died, and Governor Thomas E. Dewey, of New York, was running against a lesser figure, President Truman, and against a Democratic Party split by civil rights in the South and Henry Wallace's candidacy in the North. Victory for the Republicans looked temptingly close.

The GOP was in control of the House and in control of the Un-American Activities Committee. The committee chairman was J. Parnell Thomas, of New Jersey, who was later to go to jail for dipping his hands into the federal till; two of its most active members were Karl Mundt, now Senator from South Dakota, and Richard M. Nixon, now Vice President and a 1960 Presidential hopeful.

A favorite battle cry throughout the Roosevelt era had been the charge of radicalism. Such innovations as the Utility Holding Company Act, the Tennessee Valley Authority, the Social Security Act, the forty-hour week never failed to stir up fresh barrages of denunciation on the basis that they were, at best, socialistic; at worst, downright communistic. The propaganda hadn't worked. The people had followed Roosevelt.

NOW A NEW dimension was to be added to the old charge—treason. The Republicans set out to prove that the Roosevelt and Truman Administrations had been so riddled with Communists and Communist-sympathizers, that spies had had a field day stealing some of the nation's most precious secrets. In his recent book, *In the Court of Public Opinion,* Hiss cites a quote by Representative Thomas in *The New York Times* of Feb. 8, 1954, as illustrating the Republican motive. In this, Thomas said that the Republican National Committee chairman "was urging me in the Dewey campaign to set up the spy hearings. At the time he was urging me to stay in Washington to keep the heat on Harry Truman."

The first witness to apply the heat was Miss Elizabeth Bentley, confessed courier for a wartime Soviet spy ring. Appearing before the House group on July 31, 1948, she reeled off a long list of names of Communist workers and government officials with whom she said that she had had contact. On August 3 she was followed on the stand by Whittaker Chambers.

Chambers, who over a period of years had accused various government officials of Communist ties, had been known to the House committee from the beginning of its probe. Two of its investigators had been sent to New York to question him well in advance of his appearance, and Hiss insists he had been tipped by newspapermen before Chambers testified that Chambers would name him.

A beefy man with a moon face, often rumpled in attire, Chambers testified that he had joined the Communist Party in 1924 and had remained in it until 1937. He declared that he had served for years in the Communist underground and that he had known a top-level underground organization composed of some seven men, all federal officeholders in Washington. He testified:

> The head of the underground group at the time I knew it was Nathan Witt, an attorney for the National Labor Relations Board. Later, John Abt became the leader. Lee Pressman was also a member of this group, as was Alger Hiss, who, as a member of the State Department, later organized the conferences at Dumbarton Oaks, San Francisco and the United States side of the Yalta Conference.

Hiss immediately sent a telegram to the committee asking to appear before it. Under oath, he declared:

> I am not and never have been a member of the Communist Party. I do not and never have adhered to the tenets of any Communist-front organization. I have never followed the Communist line directly or indirectly. To the best of my knowledge none of my friends is a Communist. ... To the best of my knowledge I never heard of Whittaker Chambers until 1947, when two representatives of the Federal Bureau of Investigation asked me if I knew him.... I said I did not know Chambers. So far as I know I have never laid eyes on him, and I should like to have an opportunity to do so.

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Confronted with this direct clash of testimony, the committee asked Hiss some probing questions. He admitted that he had known the other men whom Chambers had named as Communists while they were all working together in the Agricultural Adjustment Administration. Mundt, acting as chairman in the absence of Thomas, wondered why an editor of *Time*, who had named six other men who evidently did have Communist associations, should have included the names of Alger Hiss and his younger brother, Donald, if the charge were not true.

"So do I, Mr. Chairman," Hiss replied. "I have no possible understanding of what could have motivated him."

He repeated that "as far as I know, I have never seen" Chambers. Asked to identify Chambers from a picture, he protested: "I would much rather see the individual. . . . I would not want to take oath that I have never seen that man. I would like to see him and then I think I would be better able to tell whether I had ever seen him. Is he here today?"

Told that Chambers wasn't present, Hiss said: "I hoped he would be."

Near the end of the session, Nixon suggested that, the next time the committee heard Chambers, "the witnesses be allowed to confront each other so that any possibility of a mistake in identity may be cleared up." Hiss emphasizes in his book that he left the hearing with the definite impression this direct confrontation was to be the next step, and the record supports him. But this definitely was not the method that was followed.

Instead of bringing Chambers and Hiss face-to-face, the committee met in secret session on Saturday, Aug. 7, in the Federal Courthouse on Foley Square, New York. There, with Nixon leading the way, Chambers was asked for details that would prove his assertion he had known Hiss intimately. Chambers obliged.

He said that Hiss had never known him by his right name, Whittaker Chambers, but simply as Carl. Communists, said Chambers, never used last names with each other. He named Hiss's wife, the former Priscilla Fansler Hobson; said that she had had a son, Timothy, by her first marriage to Thayer Hobson; recalled that Hiss was called "Hilly" by his wife and that he called her "Dilly" and sometimes "Pross." Chambers insisted that he had collected Communist Party dues from Hiss, that he had made Hiss's home in Washington his unofficial headquarters, that he had stayed with the Hisses for a week at a time.

Further detailing his knowledge of Hiss, Chambers described an old Ford car that Hiss had once had. He recalled especially that the car had a hand-operated windshield wiper. Hiss, Chambers asserted, was such a devout Communist that he had passed the car on to a loyal party worker, transferring the papers through some gas station or car lot. Finally, capping his recital, Chambers described Hiss as an amateur ornithologist who was once quite excited because he had seen a rare bird known as a prothonotary warbler.

IMPRESSED, the committee summoned Hiss before it in secret session on Aug. 16. Accounts of Chambers' secret testimony had been leaked to the press, and these indicated that Chambers had alleged he had stayed as a guest in Hiss's home and had revealed intimate knowledge of Hiss's private life. The details of the testimony were still secret, however, and Hiss did not know them. Thus he had no chance to expose its flaws, if any, when he appeared before the committee.

It is fairly obvious from reading the record that Hiss had no idea of the import of many questions put to him. Asked, for example, if he had ever known a man named Carl, he evidently tried to recall friends with this first name. "I think I know two or three people named Carl, one of whom I certainly knew, I would think, as far back as 1937—Carl Spaith," he said. "I don't at the moment think of anyone else by the name of Carl whom I knew as far back as that."

"You knew them as well by their last names?" Nixon asked.

"That is right."

"Your testimony is then that you knew no persons by the name of Carl between 1934 and 1937?"

"Merely by the name of Carl—absolutely."

An effort was made again to get Hiss to identify Chambers from a picture. Again he refused. "The face has a certain familiarity," he said, adding: "It is not—a very distinctive or unusual face . . . I am not prepared to say I have never seen this man . . . I cannot recall any person with distinctness or definiteness whose picture this is, but it is not completely unfamiliar."

When the committee began to ask Hiss for details of his private life, Hiss protested. "I would request that I hear Mr. Chambers' story of his alleged knowledge of me," he said. "I have seen newspaper accounts, Mr. Nixon, that you spent the weekend—whether correct or not, I do not know—at Mr. Chambers' farm in New Jersey."

"That is quite incorrect," Nixon assured him. "I can say, as you did a moment ago, that I have never spent the night with Mr. Chambers."

This answer, as Hiss points out in his book, was only technically truthful. Bert Andrews, Pulitzer Prize-winning reporter for *The New York Herald Tribune*, revealed much later in a series of articles that he had accompanied Nixon on a visit to Chambers' farm just the previous day, Sunday, Aug. 15. But the farm was in Maryland, not New Jersey; and Nixon, while he conferred with Chambers for several hours, had not spent the night.

The rumor of this close connection between his chief inquisitor and the complaining witness obviously made Hiss suspicious, and he balked at first at giving the names of former maids in his household lest Chambers learn them and question the servants. This tactic, foreseen so early by Hiss, was precisely the one that Chambers did follow after the FBI had located the maids for him.

SUCH WAS the atmosphere of mutual suspicion in which Hiss and the committee sparred. Pressed to explain how he could possibly fail to recall a man who had lived for long periods in his home, Hiss confessed that he was baffled, but he

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offered a tentative suggestion. He recalled, he said, that in the mid-thirties, while he was working for the Nye committee in the munitions investigation, he had met a free-lance writer named George Crosley. Hiss remembered that he had been changing residences in Washington at the time. Crosley, while interviewing him for magazine articles on the Nye committee's work, had remarked that he wanted to stay in Washington for the summer, but had no place for his family. Hiss's lease on his old apartment had some time to run, and Hiss, realizing there would be little chance to sublet the apartment in the heat of a Washington summer, offered it to Crosley for just what he was obligated to pay on the lease.

Subsequently, Hiss testified, Crosley's furniture was delayed in arriving from New York, and he and Mrs. Hiss put up the Crosleys for a couple of days, certainly not more than four, in their new home. Later, too, Hiss said, he gave Crosley an old Ford car that was worth only about $25 as scrap, but which was still in running condition. Asked what kind of windshield wiper the car had, Hiss said it was one you operated by hand.

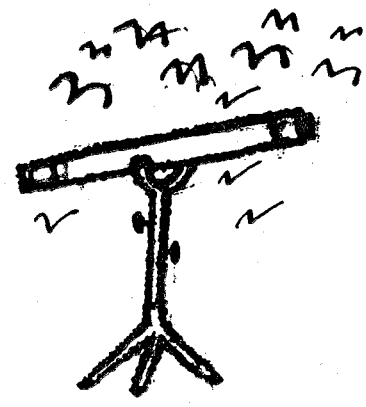
The questioning switched to Hiss's hobbies. Hiss said they were "tennis and ornithology." Representative John McDowell, a Pennsylvania Republican, asked Hiss if he had ever seen a prothonotary warbler.

"I have, right here on the Potomac," Hiss exclaimed. "Do you know that place? . . . They come back and nest in those swamps. Beautiful yellow head, a gorgeous bird. . . ."

He would have continued, but Nixon cut him off.

THE EAGER confirmation of this secret item given the committee by Chambers elevated the prothonotary warbler to a unique niche in legal history. Probably nothing did more than this striking detail to convince many persons that Chambers must have known Hiss on terms of extreme intimacy. McDowell appears to have been startled into the belief that Chambers was telling the truth and Hiss, to say the least, was being evasive. Many others since, impressed by Chambers' uncanny naming of this almost unpronounceable bird, have argued not illogically, and yet not completely logically either, that Chambers could never have known about Hiss's prothonotary warbler unless the relationship between the two men had been a lot closer than Hiss has ever been willing to admit.

In any event, Hiss's confirmation of many of the secret details Chambers had given the committee led to one more private session at which, finally, the two men were brought



face to face. This was held the next day in a room in the Hotel Commodore in New York. It was a fateful meeting and one that was to do even more damage to Hiss than the prothonotary warbler. For Hiss made no immediate and straightforward identification; he went to what seems almost ridiculous extremes before acknowledging Chambers as George Crosley.

There can be no question that Chambers had changed greatly in appearance during the years. His hairline had receded; he had ballooned in girth; he was much more heavily jowled. Yet there has always been considerable question whether recognition should have been the heavy-weather task that Hiss made of it.

After Chambers had risen, facing Hiss, and had given his name, Hiss walked toward him and asked: "Would you mind opening your mouth wider?" Hiss has always insisted that one of the most vivid recollections he had of the man he had known as George Crosley was that Crosley had extremely bad front teeth.

Then Chambers, at Hiss's request, read part of a news dispatch, and Hiss finally said:

> The voice sounds a little less resonant than the voice that I recall of the man I knew as George Crosley. The teeth look to me as though either they have been improved upon or that there has been considerable dental work done since I knew George Crosley, which was some years ago. I believe, I am not prepared without further checking to take an absolute oath, that he must be George Crosley.

Nixon questioned Chambers about his teeth, and Chambers said that he had had some extractions made and a plate put in. Hiss even inquired the name of Chambers' dentist, and Nixon wondered sarcastically whether Hiss was going to have to consult the dentist before making a positive identification.

Chambers himself settled the issue by admitting he was the man who had stayed in Hiss's Washington apartment in the summer of 1935. But the Chambers version of the transaction differed radically from that of Hiss. There never had been any question of rental, Chambers insisted; Hiss, as a loyal Communist, had simply donated the apartment to Chambers, his recognized superior in the hierarchy of the Communist Party.

Hiss's rage at this contention shows in the transcript. At one point, he walked toward Chambers as if he might strike him; and he snapped in anger that, on the basis of Chambers' admission that he had used the apartment, he was prepared to acknowledge Chambers positively as the man he had known as George Crosley.

FOLLOWING this meeting, the case erupted into a wild flurry of glaring headlines; it quickly became the *cause célèbre* that was to agitate the nation for months, for years. It is necessary here only to summarize its course before going into a detailed study of the evidence. The private confrontation in the Hotel Commodore was followed by a public hearing in Washington on Aug. 25, 1948, with Hiss on the stand in a defendant's role during a gruelling, day-long cross-examination. At the

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end, Hiss publicly repeated a challenge he had made to Chambers at the private confrontation. He dared Chambers to call him a Communist outside the hearing room where the rules of privilege would not apply and a suit could be instituted for libel. Chambers responded two days later by repeating the Communist charge on the nationwide radio program, *Meet the Press*.

Hiss waited until his attorney returned from a trip to Europe, and then, on Sept. 27, 1948, filed suit in Federal Court in Baltimore asking $50,000 for defamation of character. When Chambers commented on the suit, Hiss's attorney raised the amount of damages sought to $75,000. It was this action—the libel suit brought by Hiss—that resulted in one of the most startling about-faces in legal history.

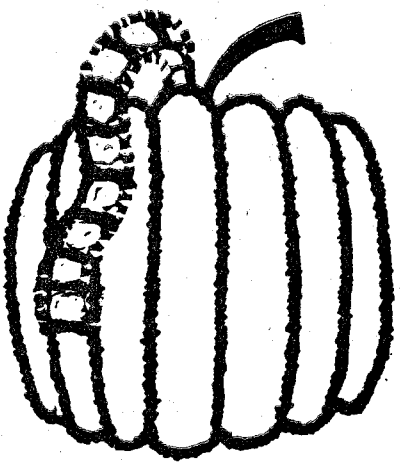
FROM THE outset, Chambers had contended merely that Hiss had been a Communist; that he had belonged to a group of promising young officials whom the Communists had hoped might be able to influence American policy in their favor. Repeatedly, in statements under oath and again on the air in the *Meet the Press* program, Chambers had denied that Hiss ever had been implicated in espionage.

Now, suddenly, this apparently well-established bedrock of the case became a quicksand for Hiss.

Hiss's counsel had adopted the tactic, in the libel action, of taking pre-trial depositions from Chambers. The hearings began in early November, and for nearly two weeks, Hiss's attorneys badgered Chambers, challenging him to produce incriminating documents if he had them. Chambers, it began to appear, had nothing, and he himself later admitted that he seemed faced with the loss of the libel action until, on Nov. 17, 1948, he hurled his bombshell. He produced a batch of State Department documents. Four were memos in Hiss's own handwriting; others were typewritten copies and summaries of a large number of State Department cables and coded reports. Hiss instructed his attorneys to turn the evidence over to federal officials.

This was the first chapter in a new offensive launched by Whittaker Chambers. A second chapter unfolded on Dec. 2, 1948, when agents of the House Un-American Activities Committee visited Chambers on his Maryland farm to see if he possessed additional information. Chambers led them to a hollowed-out pumpkin, reached inside and drew out two rolls of microfilm, one developed, one not, both containing reproductions of more documents.

With the production of this evidence, which he had testified earlier did not exist, Chambers boldly changed his story and asserted that Hiss had been a spy who regularly passed him State Department documents. Chambers justified his new position by saying that he had once been a good friend of Hiss and that he had foreborne for so long simply because he did not wish to destroy the character and life of another.



Chambers' radical change in the main line of his testimony necessitated other changes in detail, for details he had originally given did not fit smoothly into his new contention. The most significant change involved the date of Chambers' break with communism. For years, he had consistently fixed the time of this crucial act in his life as 1937. But the documents he produced—and that he said Hiss had passed to him—all were dated from January to April 1, 1938. And so Chambers, after some vacillating and uncertainty, finally assigned a new date, mid-April of 1938, to his break with the party.

Such switches in the mainstream of Chambers' testimony became lost to public view in the furore over the Pumpkin Papers. The House committee clamored for action against Hiss, and the case was resubmitted to a federal grand jury in New York which, previously, had refused to indict. The jury was shown that the typewritten documents produced by Chambers contained the same vagaries of type also present in letters written by Mrs. Hiss on an old Woodstock typewriter that the Hisses once had owned. This tying of the documents to Hiss's machine—and so presumably to Hiss—resulted on Dec. 15, 1948, in the indictment of Hiss on two charges of perjury. The first charge was based on his denial before the grand jury that he had ever passed State Department secrets to Whittaker Chambers; the second, upon his denial that he had ever seen Chambers after Jan. 1, 1937.

TWO lengthy trials followed. The first, beginning May 31, 1949, ended July 8 with the jury hopelessly divided, eight for conviction, four for acquittal. The second trial, which began Nov. 17, 1949, lasted until Jan. 20, 1950, when the jury, after being out for nearly twenty-four hours resolving another eight-to-four split, returned a verdict of guilty on both counts. Hiss was sentenced to the maximum term of five years in prison. His appeal from the conviction and his motion for a new trial both were denied.

Despite this unanimous support of the verdict by the courts, Alger Hiss has remained a figure of controversy; his case has been shrouded by persistent, hard-to-shake doubts. Hiss and his attorneys, still working to prove his innocence, have produced new evidence, raised new issues. From this welter of material—from the hearings, the trials, the motion papers and Hiss's new book—what may one deduce? What is the truth about Alger Hiss? Was he traitor or victim of the most callous frame-up?

Let's turn to a close examination of the vital issues on which, in time to come, final judgment must be based.

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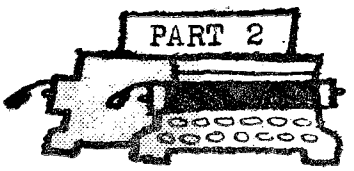

Guilt by Association

At the core of the Alger Hiss case lies the theory of guilt by association. From the outset, the House committee adopted the attitude that, if the details Chambers gave about Hiss were accurate, they showed a close association between the two men; and if there had been a close association, then it followed that Hiss had been a Communist. And if Hiss had been a Communist, then it followed that he had stolen and passed secret data to Chambers.

This whole structure, something like an inverted pyramid with the apex for its base, was stated in a variety of ways from the earliest committee hearings through Hiss's final trial. Robert E. Stripling, the committee's chief investigator, told Hiss during the Aug. 16 questioning that Chambers' testimony, given nine days previously, checked "almost in every minute detail." "He sat there and testified for hours," Stripling said. "He said he spent a week in your house and he rattled off details like that."

Mundt, after the public hearing of Aug. 25, declared that "the important thing to me, Mr. Hiss, is that . . . you were associating with him." Mundt added that the committee had endeavored to check Chambers' testimony and "on every point on which we have been able to verify, on which we have verifiable evidence before us, the testimony of Mr. Chambers has stood up. It stands unchallenged. Most of it you admit. . . ."

THERE CAN be little doubt that such characterizations of Chambers' testimony, featured prominently in the press, led to a widespread public conviction that Hiss was endeavoring to belittle a guilty association. The motif runs throughout the entire case. In his final summation to the second jury that convicted Hiss, Assistant U.S. Attorney Thomas F. Murphy bore down on the guilt-by-association theme.

> I think you will agree [Murphy told the jurors, referring to Hiss's ties to Chambers and his acquaintance with others whom Chambers had labeled Communists] that if there was a close association certain things followed. It meant not only that they were friends but that they were in agreement on their basic philosophy, and if they were in agreement on their basic philosophy, they were all Communists.

This meant inevitably, in Murphy's view, "that each Communist helped the other. And how did Mr. Hiss help? He gave the documents."

HISS contends in his recent book that the House committee overdramatized the wealth and accuracy of the details given by Chambers. He stresses that he had no chance to counter this testimony at the time because it was kept secret until after his own public questioning. He insists that Chambers was accurate only on details that might be picked up in just the kind of casual acquaintance Hiss admits they had; that Chambers was grossly inaccurate and revealed woefully faulty knowledge when he tried to build a picture of greater intimacy.

It's important, therefore, to see precisely what Chambers originally told the House committee, to see how detailed were his details and whether they remained fixed as true facts do or whether they changed complexion during the course of the case. It's important, too, to see whether there is any proof of association between Chambers and Hiss extending through 1937 and into 1938, when the documents were stolen and passed, or whether evidence of such association fades into the nebulous in 1936, when Hiss contends he last saw Chambers.

Chambers' original Aug. 7 testimony about his visits to Hiss's home, which he said he made "a kind of informal headquarters" in Washington, developed in this way:

> **Nixon: Did you stay overnight?**
>
> Chambers: Yes, I stayed overnight for a number of days.
>
> Nixon: You mean from time to time?
>
> Chambers: From time to time.
>
> Nixon: Did you ever stay longer than one day?
>
> Chambers: I have stayed there as long as a week.
>
> Nixon: A week at one time. What would you be doing during that time?
>
> Chambers: Most of the time reading.

A little later, Chambers was asked about the contents of Hiss's library. His answer: "Very nondescript, as I recall."

Hiss in his book points out that a man who had spent a week at a time reading in his library should have been able to recall at least one prized possession of his—"a facsimile of Justice Oliver Wendell Holmes' notebook" listing all the books that the Justice had read in his lifetime, a volume that came to Hiss under Holmes's will in June, 1936.

WHEN the questioning turned from Hiss's library to the physical appointments of his home, Chambers again revealed only the sketchiest knowledge. Asked if the Hisses had a piano, Chambers replied: "I am reasonably sure they did not." Hiss says in his book that, in the home they occupied through 1937, they had "a new piano which, though of spinet size, was a bulky object in the small living-room."

Chambers had just one positive recollection about the Hisses' furniture. "The only thing I recall," he said, "was a small leather cigarette box, leather-covered cigarette box, with gold tooling on it. It seems to me the box was red leather."

A reading of Chambers' testimony shows that he was asked not a single sharp, cross-examining question to probe the mystery obviously posed here—that his only recollections of the home he had made his "informal headquarters" were a

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"nondescript library" and a red-leather cigarette box.

Chambers did better on family details, but here, too, according to Hiss, his testimony revealed some glaring inaccuracies. Chambers correctly identified Hiss's wife as the former Priscilla Fansler; her first husband as Thayer Hobson; her son as Timothy (Timmie) Hobson and the Fansler home as being located near Paoli, Pa. But then, according to Hiss, he embellished fact by testifying that "she (Mrs. Hiss) once showed me while we were driving beyond Paoli the road down which their farm lay." Actually, Hiss points out, his wife's father was in the insurance business in Philadelphia; his was a commuter's home that only fancifully might be called a farm; and it lay "directly on the Lincoln Highway, not 'down' any road."

EVEN more serious and disconcerting gaps in Chambers' knowledge were revealed in his testimony about Hiss's own family. Chambers correctly told the committee that Hiss's mother lived in Baltimore "on or near Linden Street" (actually, at 1427 Linden Avenue) and that Hiss had one sister. Questioned by Representative F. Edward Hebert (D., La.) about what the sister did, Chambers replied: "I don't think she did anything besides live with her mother." Actually, Hiss points out, his sister was head of the Department of Physical Education at the University of Texas and had been living in Austin, Texas, for about twenty years—a fact that a close family friend of years' standing certainly might have been expected to know.

Similarly, Chambers' testimony about Hiss's stepson, Timothy Hobson, appears more significant for its omissions than for its detail. Several times members of the committee asked for information about Timmie, and Chambers' best recollection—a quite inaccurate one, says Hiss—was that Timmie "was a puny little boy, also rather nervous." Then Chambers obviously startled the committee by using Timmie and Timmie's education as a vivid illustration of Hiss's dedicated communism. This was the question-and-answer sequence that followed a question by Nixon as to whether Chambers knew where Timmie went to school:

> Chambers: Yes, I do. I don't know the name of the school he was attending then, but they told me that Thayer Hobson was paying for his son's education, but they were diverting a large part of the money to the Communist Party.
>
> Nixon: Hiss told you that?
>
> Chambers: Yes, sir.
>
> Nixon: Did he say how much he was paying?
>
> Chambers: No; I don't know how much he was paying.
>
> Nixon: Did he name the Communist Party as the recipient?
>
> Chambers: Certainly.
>
> Nixon: He might not have said simply "the party"? Could it have been the Democratic or the Socialist Party?
>
> Chambers: No.
>
> Hebert: Was Hobson paying for the boy's education?
>
> Chambers: Yes; and they took him out of a more expensive school and put him in a less expensive school for that purpose. That is my recollection.

The year, Chambers testified, was "probably about 1936," and at the very close of his Aug. 7 testimony, he added that Timmie's school "was somewhere in Georgetown. He came back and forth every day."

Hiss later testified in detail about the schools that Timothy attended, and his testimony showed that the reverse of Chambers' charge was true—that the progression was from less expensive to more expensive schools, so there could have been no opportunity to "gyp" the school fund for communism. In his book, Hiss deals with Chambers' school-fund swindle charge in these words: "This fabrication was capable of immediate independent exposure by any objective investigation through Timothy's father, who paid the school bills directly or on receipts I forwarded to him."

Hiss identifies the school "somewhere in Georgetown" as Friends School and fixed the date of Timothy's attendance there as 1935. In the fall of 1936, he points out, Timothy transferred to Landon School, "a rather expensive school," in the countryside outside Bethesda, Maryland—a detail seemingly unknown to Chambers. This might indicate that, even as early as 1936, Chambers' association with Hiss was not very close. Another point that Hiss raises in connection with Timothy Hobson certainly suggests that the association was non-existent in 1937. "Had he [Chambers] known us at all in 1937," Hiss writes, "he would certainly have known that in February Timothy was nearly killed by an automobile while riding his bicycle. For weeks he was bedridden and then cast-bound for months in the small house to which we had moved in July, 1936."

SIGNIFICANTLY, Timothy's nearly fatal accident, though apparently not known to Chambers, was no secret to a former maid, who recalled it when she testified before the committee. Mrs. Martha Pope, who hadn't worked for the Hisses for more than a year when Timothy was injured, testified that she had paid the Hisses a visit to see the boy after she heard about his accident. It seems astounding that a man billed by the House committee as "an extremely intimate friend of Hiss" should have appeared so unaware of this family tragedy that was known to a maid who no longer even worked for the Hisses.

Throughout the case, Chambers' account of his close relationship with Hiss collided with the testimony of the maids who served the Hiss family. Mrs. Pope and her successor in the Hiss household, Cleide Catlett, emphatically threw down Chambers' contention that he was a constant visitor, staying for as long as a week at a time. Curiously enough, both maids testified that they had been brought into FBI headquarters for private questioning by Chambers in February, 1949, well in advance of the first trial.

Mrs. Pope declared that she had never seen Chambers in Hiss's home. She admitted that she had been ill for a brief period, a time that apparently coincided with the two-night stay that Chambers, under the name of Crosley, admittedly made. Cleide Catlett had been with the Hisses during the later and more

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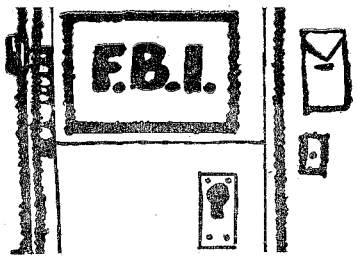

crucial period, beginning in mid-1935 and running through 1938. She testified that she had seen Chambers just once during a short visit he made to the Hisses' P Street home in Georgetown. They moved from this home into a house on 30th Street, Georgetown, on July 1, 1936 and stayed in the 30th Street house until Dec. 27, 1937—a period during which Chambers claimed he was seeing Hiss constantly.

Cleide Catlett, who left the witness stand in the second trial with her testimony unchallenged by cross-examination, insisted that Chambers was never a guest in the 30th Street house during this entire year-and-a-half period. She began by giving an account of her interview with Chambers at FBI headquarters:

> He asked me about the furniture and asked me was it a red rug on the floor at 30th Street, and I told him it wasn't. I told him they had gray rugs on the floor.... He asked me didn't I serve dinner for them on 30th Street, and I told him no, that I never did. He said, "Yes, you are the woman who used to mash the potatoes," and I said, "No, it wasn't me. Of course, anybody can mash potatoes," just like that. I said, "You was never to dinner on 30th Street," and he never was at P Street for dinner.
>
> Q. How about Volta Place [another Georgetown address to which the Hisses moved at the end of 1937]? A. No, indeed, he was never at Volta Place.
>
> Q. Was anything said about his sleeping at 30th Street? A. Oh, yes, he said he slept at 30th Street, he stayed there all night, and I told him no, he didn't because they only had two bedrooms, and I asked him where would he sleep; and he said, "I stayed there"; and I said, "No, you didn't, because there wasn't but two bedrooms, and there was a bed in each room," so he couldn't have stayed there.... There was a back bedroom and a very small front room, just big enough to get a single bed in, and that is all, and put a table, something small.
>
> Q. And who slept in there? A. Their son.
>
> Q. And where did Mr. and Mrs. Hiss sleep? A. In the back bedroom.
>
> Q. Was there ever an occasion when you made up any other beds at 30th Street? A. Never did in my life, and I have taken care of everything like that.

The private FBI-sponsored interview with the redoubtable Cleide Catlett apparently shook Chambers. In a pre-trial deposition in Baltimore shortly afterwards, he confessed that staying overnight in 30th Street was a "point which I was not clear about." At the first Hiss trial, he said he wasn't sure, and at the second one, he admitted: "I have no clear recollection of spending a night there."

"Well, do you have a vague one?" shot back Claude B. Cross, Hiss's second trial counsel.

"I have no vague recollection either," Chambers acknowledged.

THIS WAS as close as Chambers ever came to complete capitulation. The sequence is significant because the net effect, at the very minimum, is to water down drastically Chambers' claims of close intimacy with Hiss during those vital eighteen months from July 1, 1936, to the end of 1937. Before the House committee, Chambers had testified, "I stayed overnight frequently at his home," and immediately afterwards comes this sequence:

> Nixon: When you say "frequently," do you mean twice or more than that?
>
> Chambers: I mean I made his home a kind of headquarters.
>
> Nixon: Mr. Hiss's home was a kind of headquarters?
>
> Chambers: That is true.
>
> Nixon: And you stayed in his home overnight on several occasions in 1936, did you?
>
> Chambers: Certainly, and also in 1937.

The fact that Chambers, confronted with the positive testimony of Cleide Catlett and the undeniable physical limitations of Hiss's tiny 30th Street house, completely abandoned his own earlier positive assertion that he was a frequent guest there certainly must be considered important. Assessed in conjunction with Chambers' apparent lack of knowledge of the near-fatal February, 1937, accident to Timothy Hobson, it is another straw in the wind pointing away from intimacy with Hiss instead of toward it; it is a straw pointing away from the course charted by Chambers, away from the guilty tie that had to exist between the two men if all the rest was to follow.

This discrepancy was not the only one to arise during Chambers' long recitals of his supposed close association with Hiss. In the two trials, Chambers and his wife testified about many trips, many visits between the two families. In building this picture of close inter-family relationships, they sometimes collided with their own prior testimony as well as with that of independent witnesses.

The question of trips that the Hisses and the Chamberses may have made together was first raised in Chambers' secret Aug. 7 questioning before the House committee. Following Chambers' description of the drive past Paoli during which, he said, Mrs. Hiss had indicated to him the family farm down the road, there was this brief exchange:

> Nixon: Did you ever go on a trip with them other than by automobile?
>
> Chambers: No.
>
> Nixon: Did you stay overnight on any of these trips?
>
> Chambers: No.

This seems, certainly, like a categorical answer, but it turned out to be anything but categorical. In November, 1948, Chambers testified in the pre-trial libel depositions in Baltimore that he and his wife had rented a cottage at Smithton, N.J., on the Delaware River during the summer of 1935. Mrs. Hiss, he testified, paid them a long visit there. His testimony was backed up by Mrs. Chambers, who said that Mrs. Hiss had stayed with her for ten days to take care of the baby while Mrs. Chambers did "a little painting along the canal."

The Smithton cottage had been

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rented by the Chamberses, then using the name of Breen, from Joseph R. Boucot. Boucot and his sister, Mrs. Norma B. Brown, lived during the entire summer in another cottage just 100 feet away. Chambers, in his Baltimore deposition, testified: "I am quite sure that he (Boucot) met Mrs. Hiss there, and I believe that Boucot's sister, Mrs. Brown, also met Mrs. Hiss." FBI agents, trial testimony showed, questioned both Boucot and Mrs. Brown and found that neither corroborated Chambers. Subsequently, taking the stand in the second trial, Chambers was no longer "quite sure" that the introductions had been performed, but testified on the contrary that he didn't know.

Mrs. Chambers, however, remained positive. She testified that Boucot "would come in for coffee quite frequently."

> Q. He would come in for coffee quite frequently while Mrs. Hiss was there? A. Yes; of course.
>
> Q. As many as half a dozen times, would you say? A. Well, perhaps.

Boucot's testimony clashed emphatically with this. He was asked: "Did you ever meet Mrs. Alger Hiss over there?" He answered: "No."

Boucot testified that, during the entire summer, "I didn't see any two women down there together."

His sister, Mrs. Brown, was equally positive. She testified that she had seen neither Mr. nor Mrs. Hiss until she was introduced to them at lunch just a few minutes before she took the witness stand in the second trial.

EVEN more clearly in the category of a trip involving an overnight stay—something that Chambers originally had told the House committee had never happened—was an account that Chambers introduced in the first trial of a drive with the Hisses to Peterboro, N. H., in early August, 1937. The purpose, Chambers testified, was for him to visit Assistant Secretary of the Treasury Harry Dexter White.

Parenthetically, it should be noted that Chambers had named White as one of his sources of information within the government; White had also been accused by Miss Elizabeth Bentley of being a Communist collaborator. Though suffering from a heart ailment, White had taken the stand before the House committee and testified: "I should like to state at the start that I am not now and never have been a Communist, nor even close to becoming one; that I cannot recollect ever knowing either a Miss Bentley or a Mr. Whittaker Chambers, nor, judging from the pictures I have seen in the press, have I ever met them." Shortly after he gave this testimony, White collapsed and died of a heart attack, and it was not until after he was dead that Chambers first told the story of the trip to Peterboro.

Chambers testified that he first recalled the trip during the spring of 1949 while he was working with the FBI in preparation for the first trial. He said that he had spent the entire working day from 10:30 in the morning to 4:30 in the afternoon, five days a week, for a period of three-and-a-half months, working with the FBI on the Hiss case.

Arrangements for the New Hampshire trip were made with the Hisses by telephone, Chambers testified, and he traveled from his home in Baltimore to Washington, joining the Hisses at their 30th Street house on the morning of Aug. 9, 1937. The first night was spent in a tourist home in Thomaston, Conn., Chambers said, and he believed that he and the Hisses registered there. He admitted that subsequently he had made two trips to Thomaston with FBI agents and that they hadn't been able to locate this tourist home.

Chambers admitted that he never told the Hisses he was going to see White, never gave them any inkling of the real purpose of this 500-mile trip. He said he simply asked them to stop their car outside the lane leading to White's home and that he walked down the lane, talked to White for twenty minutes and returned—all without explanation of any kind to his two chauffeurs.

That night, Chambers continued, he and the Hisses stayed in a tourist home known as "Bleak House," formerly the property of Prof. Samuel Eliot Morrison, in Peterboro. He recalled that he had gone with the Hisses to a summer theatre to see a performance of *She Stoops to Conquer*. Investigation showed that this play had been given in Peterboro. It was virtually the only angle of Chambers' story that stood up under scrutiny.

The Hisses introduced a considerable volume of testimony showing that they were spending their vacation at Chestertown on the Eastern Shore of Maryland at this time. Most graphic was the evidence of transactions in Hiss's Chestertown bank account. It showed a $100 deposit on Aug. 9, the day Chambers said the Hisses were driving him to New Hampshire; it also showed checks cashed in Chestertown on Aug. 9, 10, 11, and 12. Even more conclusive was the testimony of Mrs. Lucy Elliott Davis, who had opened "Bleak House" for tourists on Aug. 1, 1937. She testified that she had lived there twenty-four hours a day and that she always had guests sign her register. She produced her guest book. This showed no registration for a party of three; it showed, in fact, only three guests in the entire period prior to Aug. 13. Mrs. Davis recalled these guests perfectly, and she testified that she had never seen Chambers, nor had she ever seen Mr. and Mrs. Hiss.

SUCH WAS the verdict of independent witnesses on Chambers' accounts of close association with Hiss. Chambers and his wife testified to other trips, other visits, but the time and detail of these were too vague for them to be susceptible of checking. It appears significant that, despite the all-out work by the FBI, the prosecution was never able to produce independent witnesses to corroborate the simple, visual, physical fact of association between the two couples. The only shred of such evidence was the introduction, as a rebuttal witness, in the last minutes of the final trial, of a maid who had formerly worked for the Chamberses.

She was Mrs. Edith Murray. She testified that she had worked full-time for Chambers and his wife, then passing under the name of Mr. and Mrs. Lloyd Cantwell, from the fall of 1934 to the spring of 1936. The Cantwells, she said, lived first at 903 St. Paul Street, Baltimore,

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and then at 1617 Eutaw Place, Baltimore. Mrs. Murray testified that she had seen Mrs. Hiss in their home four times and Hiss once.

On one occasion, Mrs. Murray testified, Mrs. Hiss came and stayed overnight while Mrs. Chambers went to New York to visit her doctor. She described how Mrs. Hiss gave the baby its bath. She testified that, on the occasion on which she saw Hiss, he had stopped at the Chambers home for about five minutes to pick up his wife.

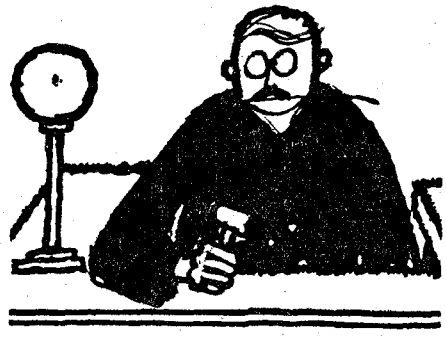
This testimony was dramatically corroborative of Chambers' contention of intimacy between the two families and may have influenced the jury in the second trial, even though it was dented badly on cross-examination. Mrs. Murray admitted that, when an FBI agent first called on her in November, 1949, her identification of Mrs. Hiss from a photograph was something less than spontaneous. "They asked me did I know this lady," she testified, "and I said it looks like someone I know. It looked like—I thought maybe it was an actress or something. I say it looks like someone I know, but I just couldn't remember at that time."

Neither could she identify a picture of Hiss. She said she told the FBI agent, "I did not know."

But the next day FBI agents drove her to Chambers' Maryland farm. Mrs. Murray admitted that she went in the expectation that, perhaps, the "Cantwells" wanted to hire her again. She visited for about three hours, and it was after this visit that she became positive in her identification. On the opening day of the second trial, she was placed in a corridor outside the courtroom, where she waited with FBI agents until Hiss and his wife appeared. She testified that "right away I knew them."

ONE OF THE major defense criticisms of Judge Henry W. Goddard, a Republican who presided at the second Hiss trial, was that he permitted Mrs. Murray to appear in rebuttal at the last minute. The defense contended that, if she were to testify, she should have taken the stand in the presentation of the prosecution's direct case. The point is, of course, that there is no opportunity to check the credibility of such a witness when a case is ending; the defense is robbed of its chance to defend.

The importance of the principle is indicated by defense discoveries made after the trial was over and the verdict in. In affidavits accompanying the motion papers for a new trial, Hiss's counsel cast considerable doubt on whether Chambers had ever lived at one of the Baltimore addresses cited by Edith Murray, or ever had a full-time maid. One affidavit dealing with the St. Paul Street address pointed out that this was the headquarters of the Women's Christian Temperance Union. The top floor apartment was rented in the winter of 1934-35 to a couple with a child, but the man,



according to the affidavit, bore no resemblance to Chambers and the couple had no maid.

Even more specific was the affidavit of Louis J. Leisman, custodian of the Eutaw Place building where Chambers lived until December, 1936. "I know from my own observation that Chambers, or Cantwell, never employed a maid," Leisman said. " . . . It would have been so unusual for anyone to have a maid in that house that everybody in the neighborhood would have known it and spoken about it, and if I had even seen a colored girl going in or out of any house in the 1600 block of Eutaw Place, it would have been so unusual that I would have investigated and found out for myself what new was going on in the block."

The prosecution countered Leisman's affidavit by asserting that he had two criminal convictions on his record, that he had lived in forty-seven different residences between 1919 and 1951 and that he was a "totally irresponsible and excessive drinker, if not a confirmed alcoholic. . . ."

THIS IS the showing, on the record, regarding the closeness of association between Hiss and Chambers. The only outside witness to their relationship was Edith Murray, and her testimony, even if accepted at full face value, carries the association only into the spring of 1936 and deals more with Mrs. Hiss than with Hiss himself. Throughout all this testimony concerning trips and meetings and overnight stays, there are discrepancies and downright contradictions; no independent, corroborative testimony supports Chambers; and Chambers himself, by the faultiness of his knowledge on some points, by his own retreat from his assertion that he had spent much time in Hiss's 30th Street home, seems almost to disprove the closeness of the tie he had tried so hard to establish. Strikingly, his claim to intimacy in 1935, when the admitted acquaintance of the two men would seem to make it possible, collides with the testimony of Boucot and Mrs. Brown, who seem to have had no conceivable motive for telling anything but the truth. Later associations are even more nebulous.

For anyone who tries to evaluate Chambers' testimony, there are a couple of other instances of possibly significant error. In detailing his intimate knowledge of the Hiss family, Chambers testified during his Aug. 7 appearance: "Donald Hiss was married, I think, to a daughter of Mr. Cotton, who is in the State Department." Hiss in his book points out that "my sister-in-law's maiden name was Jones," and one is tempted to wonder how Chambers strayed from Jones to Cotton. A possible clue may be found in the testimony of Mrs. Hiss at the second trial. She was asked if any neighbors called during the brief 1935 stay the Chamberses made with them, and she said, yes, she recalled that one neighbor had dropped in at that time and she had introduced her to Mrs. Chambers. The neighbor was Mrs. Joseph Cotton, Jr.

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At another point in the Aug. 7 hearing, Benjamin Mandel, a former Communist and director of research for the House committee, dropped a suggestion.

"A picture of Hiss shows his hand cupped to his ear," Mandel said.

"He is deaf in one ear," Chambers declared.

"Which ear?" Hebert asked.

"I don't know," Chambers said. "My voice is pitched very low and it is difficult for me to talk and make myself understood."

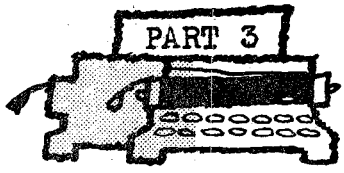
When Hiss got access to this testimony, he had his hearing examined by a specialist at the Columbia Medical Center and obtained a certification that the hearing in both ears was normal.

Despite such inaccuracies, the fact remains that Chambers did know many details about Hiss's life. But was his information the kind that could be picked up during a brief, hit-and-miss acquaintance? Or the kind that would only be known were the relationship one of extreme intimacy?

The prize exhibit of the intimacy school of thought has always been the prothonotary warbler. When Chambers first mentioned this rare bird, the logical reaction was that he couldn't possibly have possessed such a unique detail unless he had known Hiss extremely well. But the reverse of that assumption is just as logical. Maybe more so.

Hiss later testified—and that, remember, was before he knew about Chambers' secret testimony—that he had bird books in his home and Audubon prints on the walls. These plainly advertised his hobby to the most casual visitor, and Hiss suggests that the first polite question might have sent him off on his account of the prothonotary warbler. Indeed, his eager confirmation of this detail when first asked about it, his willingness to run on in discussing the bird, might seem to indicate that he would tell anyone he met of his rare find at the drop of a pinfeather. If this is so, the tale of the prothonotary warbler establishes nothing, one way or the other.

There were other facts of a more physical, tangible nature about which Chambers testified that weigh more in the final evaluation of the case. These dealt with the disposition of Hiss's old Ford car, with an alleged $400 loan to Chambers to buy a new car, and with the alleged presentation of a rug to Hiss as a gift from the Communist Party. These form the factual bedrock on which any guilt by association prejudice must rest, if it is to have even the shadow of justification. Let's see just how much was established in testimony.



A Car, a Rug, and $400

Chambers introduced the subject of Hiss's old Ford car at the Aug. 7 session when he was establishing to the House committee's satisfaction that Hiss was the man he had known more than ten years earlier —and that he had known Hiss well. Chambers testified that he was "reasonably sure" the car was a Ford, a roadster, black and "very dilapidated."

"I remember very clearly that it had hand windshield wipers because I drove it one rainy day and had to work those windshield wipers by hand," he testified.

Then comes this sequence in the transcript:

> Mandel: What did he do with the old car?
>
> Chambers: The Communist Party had in Washington a service station —that is, the man in charge or owner of this station was a Communist —or it may have been a car lot.
>
> Nixon: But the owner was a Communist?
>
> Chambers: The owner was a Communist. I never knew who this was or where it was. It was against all the rules of the underground organization for Hiss to do anything with his old car but trade it in, *and I think this investigation has proved how right the Communists are in such matters,* but Hiss insisted that he wanted the car turned over to the open party so that it could be of use to some poor organizer in the West or somewhere.
>
> Much against my better judgment and much against [J.] Peters' better judgment [J. Peters had previously been identified by Chambers as the head of the entire Communist underground in the United States], he finally got us to permit him to do this thing. Peters knew where this lot was and he either took Hiss there, or he gave Hiss the address and Hiss went there, and to the best of my recollection of his description of that happening, he left the car there and simply went away and the man in charge of the station took care of the rest of it for him. *I should think the records of that transfer would be traceable.* [Emphases added.]

The italicized phrases seem almost to leap from the transcript. The first especially strikes one as an unlikely and unnatural parenthetical thought. Presumably, if Chambers is an honest witness and this an honest inquiry, he is bringing Hiss's old Ford car to the committee's attention for the first time. Presumably, this is an absolutely new, unknown detail that could not possibly have been investigated, on which nothing at this point could possibly have been proved. Yet Chambers remarks, referring specifically to the rule banning any but regular trade-ins, "I think this investigation has proved how right the Communists are in such matters." And he concludes this passage of his testimony with the phrase: "I should think the records of that transfer would be traceable."

Do these two passages hint of a secret knowledge going beyond the scope of what Chambers could have possessed had he been the simple, unbriefed, wholly credible witness he was supposed to be? One can never know; one can only wonder.

When Hiss appeared before the committee on Aug. 16, he mentioned for the first time the name of George

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Crosley, the free-lance writer whom he said he had met while working for the Nye committee. He recalled that he had loaned Crosley his apartment in the summer of 1935. It is obvious that Hiss, not having had a chance to check leases and records, was badly off in his recollection of some details. For instance, he located the apartment on 29th Street instead of 28th Street, and he was under the impression that he had occupied it until June, whereas actually, according to utility company records, he had moved into a small house on P Street, Georgetown, on April 19.

Hiss recalled the apartment deal this way:

> After we had taken the house on P Street and had the apartment on our hands, he [Crosley] one day in the course of casual conversation said he was going to specialize all summer in getting his articles done here in Washington, didn't know what he was going to do, and was thinking of bringing his family.
>
> I said, "You can have my apartment. It is not terribly cool, but it is up in the air near Wardman Park." He said he had a wife and a little baby. The apartment wasn't very expensive, and I think I let him have it at exact cost.

Hiss added that Crosley's furniture had been delayed in arriving and "we put them up two or three nights in a row."

Then the questioning switched to cars in this fashion:

> Stripling: *What kind of an automobile did the fellow have?*
>
> Hiss: No kind of an automobile. I sold him an automobile. I had an old Ford that I threw in with the apartment and had been trying to trade in and get rid of it. I had an old, old Ford we had kept for sentimental reasons. We got it just before we were married in 1929.
>
> Stripling: Was it Model A or Model T?
>
> Hiss: Early A model with a trunk on the back, a slightly collegiate model.
>
> Stripling: What color?
>
> Hiss: Dark blue. It wasn't very fancy but it had a sassy little trunk on the back.
>
> Nixon: You sold that car?
>
> Hiss: I threw it in. He wanted to get around and I said, "Fine, I want to get rid of it. I have another car, and we kept it for sentimental reasons, not worth a damn." I let him have it along with the rent.

The first thing that strikes one about this passage is Stripling's elaborately casual question: "What kind of an automobile did the fellow have?" If this means what it seems to mean, it is one of the most significant questions asked in the long sequence of hearings and trials.

The point is simply this: Chambers, when he was before the committee, had not been asked what kind of a car he had. No car belonging to Chambers was at issue. Only two cars had been mentioned in the entire case: Hiss's old Ford and the Plymouth which had replaced it. The Ford car was to become one of the largest spikes in Hiss's legal coffin, and it was to become so only through the tactic of ridiculing Hiss's story that he gave the car to Chambers and the endorsement of Chambers' story that he had never had the car, that Hiss had dedicated it to the Communist cause.

In this perspective, Stripling's question was the very opposite of the question he should have asked. His position, if the government's stand was valid, should have been that Chambers never had the car. But, then, why ask Hiss about something that Chambers had never had? If that was so, the question would have been one of the most pointless an investigator could ever ask because it could not possibly have led anywhere. The fact that it did lead directly into the heart of the Hiss car issue, the fact that Stripling evinced no surprise at this but obviously expected it to lead there, seems one of the most graphic early indications that Hiss, not Chambers, was telling the truth—and that House investigators must have known it!

THE second immediately-apparent facet of the car story is the one that the House committee and the prosecution were to emphasize. This is simply that the giving away of a car is not a normal action. Cars are something special to most Americans, and normally one does not just give away a car, even an old and dilapidated car, as long as it is in running order; normally, one wouldn't make such a gift to a close friend, let alone to an almost-stranger such as, according to Hiss, George Crosley was to him.

THIS WAS the point on which the House committee immediately concentrated. One indication of its interest came in this exchange:

> Nixon: You gave this Ford car to Crosley?
>
> Hiss: Threw it in along with the apartment and charged the rent and threw the car in at the same time.
>
> Nixon: In other words, added a little to the rent to cover the car?
>
> Hiss: No; I think I charged him exactly what I was paying for the rent and threw the car in in addition. I don't think I got any compensation.
>
> Stripling: You just gave him the car?
>
> Hiss: I think the car just went right in with it. I don't remember whether we had settled on the terms of the rent before the car question came up, or whether it came up and then on the basis of the car and the apartment, I said, "Well, you ought to pay the full rent."

This story of the transfer of the old car to Crosley was to be the chief source of embarrassment to Hiss at the Aug. 25 public hearing in Washington. Hiss's recollection of the apartment deal with Crosley, to which he said the gift of the car was tied, was that he had lived in the 28th Street apartment until June and that the lease had run until September. Actually, he had left the apartment in April and the lease had expired July 1. This meant that, if the two transactions were simultaneous, the car would have been passed to Crosley in April or May. But Hiss was confronted with motor vehicle records showing that he had not obtained his new Plymouth to replace the Ford until Sept. 7, 1935. Consequently, if Hiss had let Crosley have the Ford at the time he let him have the apartment, he would have been depriving himself of the only car he had.

After Hiss had been confronted with this conflict, Nixon asked: "Mr. Hiss, your recollection is still that you gave the car to Crosley as part

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of the apartment deal; is that correct?"

"My recollection is as definite as it can be after this lapse of time, Mr. Nixon," Hiss replied. "That as I was able to give him the use of the apartment, I also and simultaneously, I think, although it could possibly have been a little later, gave him the use of the Model A 1929 old Ford."

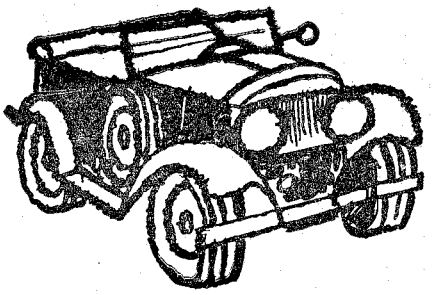
The questioning about the car continues for pages. At one point, Nixon brought an outburst of laughter in the hearing room when he asked: "How many cars have you given away in your life, Mr. Hiss?"

Hiss replied that he had had only one car in his life worth as little as $25, and "that is the car that I let Crosley have the use of." He emphasized that the car had had a sentimental value to him because it was linked with his marriage and that he had preferred to see it used instead of trading it in for $25 to be junked.

Nixon pressed for a positive statement on the disposition of the Ford, but Hiss insisted he could only say he "gave Crosley the use of the car," that he couldn't be sure whether he gave Crosley the car outright or "whether the car came back" to him from Crosley. It is obvious from reading the record that even the less militant members of the committee found this hard to believe.

Their incredulity was sharpened when the point was made that, since Hiss must have let Crosley have the Ford much later than he had originally testified, he almost certainly had bestowed his car upon a man whom he had reason to believe to be a dead beat. Hiss had testified that Crosley never did pay him for the apartment and that, in addition, Crosley had touched him for small loans, amounting to $25 to $30, that never had been repaid. He had decided finally, he said, that Crosley was a welsher who was abusing his own kindness, and this had led to the termination of their brief relationship.

Nixon wanted to know how long it was after Crosley had moved out of the apartment without paying that Hiss decided he was a dead beat. Hiss couldn't tell him.



"But you think it is possible that you loaned him a car or gave him a car after he failed to pay the rent?" Nixon asked.

"I may very well have given him the use of the car even though he had not paid the rent at that particular time," Hiss replied.

Nixon pressed the point. "Mr. Hiss," he asked, "it is not likely that you would have given the car to Crosley after he failed to pay the rent, is it?"

"I do not recall the details of when I decided he was a four-flusher," Hiss replied. He added that he still might have let Crosley have the car "if I had considered his reasons for not paying were as plausible as his reasons had been for not paying back small loans. . . ."

Hiss's best recollection was that he had both cars for some time, the old Ford and the new Plymouth; that the Ford had been sitting on the street in snowy weather with the tires going down and that he once had been served with a parking ticket for it before he passed it on to Crosley. These details would seem to shove the car deal into 1936, long after Crosley had welshed on the apartment rent; at a time when, according to Hiss's original version, contact between the two men had almost ceased.

HAVING driven Hiss into this tight corner on the car issue, the committee produced records which it had obtained from the motor vehicle bureau. These showed that title to Hiss's old Ford had been transferred on July 23, 1936, to the Cherner Motor Company in Washington. On that same day, the title had been passed to man named William Rosen and a chattel mortgage of $25 had been placed on the car (but, inexplicably, the signature on the ownership certificate is not that of this William Rosen).

The Cherner Company had the largest Ford agency in Washington, but subsequent investigation developed that invoices for the sale of the car had not been recorded in the firm's books in normal fashion. Records were missing that should have contained details of the transfer to Rosen and information about who profited from the sale. Rosen, later located and identified as a Communist who had been expelled from the party in 1929, was a prosecution witness at the second Hiss trial. He claimed the protection of the Fifth Amendment against possible self-incrimination, blocking all effort to get at the truth of how he came into possession of Hiss's old Ford. He did testify that he had never met Hiss and did not know him.

HISS, in his book, notes that Stripling, writing later in triumphant vein about his role in the investigation, conceded that the saga of the Ford in the end proved nothing. "We endeavored to trace the path of the Ford (which Chambers said he never received from Hiss) without too much success," Stripling wrote. "It remained something of a mystery. . . ."

Nevertheless, there can be no doubt that the Ford did irreparable damage to Hiss. The inconsistencies in his own story of the passing of the car to Chambers convinced many that he was lying, and the corollary to that was that Chambers must be telling the truth when he described how eager Hiss had been to give the car to a loyal party worker. Rosen's evasiveness and refusal to testify lent strength to the suspicion. Actually, there is no proof that Hiss negotiated the transfer of the car through the Cherner Company to Rosen; it is entirely possible that Chambers, having been given the car by Hiss and having used it for a time, disposed of it in this way. The damaging point to Hiss's case is, and always has been, that his explanation of the motive for the gift and the circumstances under which it was made doesn't stand up under scrutiny.

The illogical involvements in this

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entire apartment-car sequence were made to order for the play of the brilliant, sardonic wit of Thomas Murphy, and in his summation to the second Hiss jury, Murphy made devastating use of the material. He pictured to the jurors how "some moocher comes along and says he would like to move into your place, can't find an apartment." Then, said Murphy to the jurors, you give him your old apartment furnished, throw in the utilities and the telephone, get not a cent of cash, and when the moocher says, "Gee, you're swell, mister," you respond: "Don't mention it. I will give you a Ford—I will give you an old Ford with a sassy trunk—give you an old Ford with a sassy trunk. Don't worry about the rent. Just move in."

The impact of this on the jury is not hard to understand, especially when the mystery of the old Ford was reinforced by testimony about another alleged car transaction between Hiss and Chambers. This second car deal was an added starter. There had been no mention of this auto in all of Chambers' lengthy testimony before the House committee. Chambers and his wife had been questioned at great length in the Baltimore pre-trial libel proceedings, and in all of this questioning, there had been no suggestion that Hiss had been connected with a second Chambers car. But, in late January, 1949, at a time when Chambers by his own testimony was working full-time, five days a week with the FBI, FBI agents obtained the full record of Hiss's bank accounts. Subsequently, at the first trial, Chambers suddenly sprang a new detail, a new charge; he testified that, on Nov. 23, 1937, he had purchased a new car with $400 given to him by Hiss.

Chambers admitted that he had never repaid the money, intimated that it had been virtually a contribution from one loyal party member to another in need. Asked when he first recalled this car loan, he replied: "When I was going over this whole history with the FBI, which was sometime in the spring of this year."

Q. 1949? A. 1949.

This testimony was backed up, of course, by the bank records that had been obtained by the FBI before the testimony was given.

The records showed that Hiss and his wife had a joint account in the Riggs National Bank and that on Nov. 19, 1937—just four days before Chambers purchased his new car—Mrs. Hiss had drawn out $400, leaving only small change in the account. The withdrawal, if Chambers' story were true, accounted for almost all of the cash that he had paid on the car. Records showed that he had traded in his old car for $325 and bought the new one for an additional $487.75. The date of the transaction made it vital to the case. If the $400 Hiss bank withdrawal could be linked to the Chambers car, it meant that there had been a close association between the two men in November, 1937, long after Hiss had sworn under oath that they had not even seen each other, and only a little more than a month prior to the passage of the first 1938 State Department documents.

CHAMBERS' testimony about this odd transaction must be considered extremely suspect. It is stretching credulity to the limits that any man, trying to recall all the details he could about his acquaintance with another, would forget such a great favor as a $400 gift that had made it possible for him to purchase a new car. But in Chambers' case, according to his own testimony, he had a far more potent reason than this to remember. He had, he testified, considered a new car necessary for his break with communism. He had tried to get the money from the party and had been turned down. He had told Hiss about this and Hiss had volunteered to give him the cash—an offer that not only made it possible for Chambers to get a new car but helped to make it possible for him to sever his Communist ties and begin a new life. How could any man ever forget such a crucial gift? Yet Chambers, in repeated questioning before the House committee, before federal grand juries and in the pre-trial libel depositions, gave no indications that he had ever received such a sum from Hiss. He came up with this testimony for the first time only AFTER the FBI, with which he was working closely, had produced Hiss's bank records.

This sequence alone is sufficient to throw a dubious shadow over Chambers' testimony, but when one finds that the Chambers' family version of this second-car transaction had been entirely different BEFORE the FBI produced the Hiss bank records, the last grounds for belief practically disappear.

The 1937 Chambers car first figured in testimony in the Baltimore libel deposition. Mrs. Chambers was questioned about it since the new car had been registered in her name. This is the question-and-answer:

> Q. How about the automobile? A. Mother [Chambers' mother] comes in there some place. I don't know. Mother did help us at various times. She probably gave us money for that...
>
> Q. Now, you tell me that his mother helped him out. Now, to what extent did she help him out financially? A. I cannot tell you that. I don't know. But in the instance of the car, for instance, she did help on that.
>
> Q. You think she gave him the money for that? A. I think so. I am not certain. These things were taken care of by him, and I don't know. I can only tell you what I know.

As can be seen, Mrs. Chambers left herself an escape hatch, and at the Hiss trials, she quickly availed herself of this. She testified that Chambers had given her the cash to pay for the car and that she had supposed it came from his mother, but obviously she had been wrong.

Hiss and his wife denied the whole story. Mrs. Hiss testified that the bank withdrawal had been made because they were moving at the end of 1937 to a much larger home on Volta Place in Georgetown. They had needed the money for moving, for additional furniture and draperies for the much larger house, she explained. The prosecution countered by showing that, at the time of the bank withdrawal, the Hisses hadn't even signed the lease on the Volta Place house and that an advertisement for the rent of the house

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had appeared in Washington papers early in December. This testimony in turn was offset by other testimony showing that the Hisses may have had a verbal agreement to rent the house well in advance of the December ad. And there the matter rests.

Hiss in his book sums up his position on this second-car transaction by emphasizing that the $400 bank withdrawal was not unusual in his family and that the only thing significant about it was that it happened to coincide with a date on which Chambers purchased a car. He writes:

> We showed from our bank records other examples of withdrawals of comparable sums from the savings account to meet non-recurring family needs. For example, the following June (1938) we drew out $150, in September 1940 we withdrew another $400, and in January 1942 the amount of $200. We had before this made it a practice to build up a savings account of several hundred dollars for such purposes.

Such is the story of the two cars. In testimony about the first car, Hiss's old Ford, the record contains disturbing nuances which might indicate that Hiss did indeed give the car to Chambers and that it was Chambers, not Hiss, who made the deal by which the car was passed on to Rosen. On the other hand, Hiss's motives for giving the car to Chambers are not clear, and his own testimony on this point is far from convincing. As for the second car, Chambers' account of the $400 loan was advanced so belatedly and under such circumstances that it seems unworthy of a child's belief. But if this is so, if logic seems to indicate that Chambers was testifying falsely here to entrap and convict Hiss, then logic also says that other elements of his story may have been concocted in the same way.

THERE is just one additional physical link between the two protagonists in this national drama of loyalty and subversion. This is the rug given to Hiss by Chambers—given, according to Hiss, as some small repayment for the use of the apartment and gift of the Ford; given, according to Chambers, as a present from the Communist Party to reward Hiss for his loyalty and services.

Strangely enough, it was Hiss who first mentioned the rug. At his Aug. 16 private questioning, after he had mentioned the name of George Crosley for the first time, Hiss testified that he had seen Crosley a few times after the free-lance writer had left the 28th Street apartment:

> Nixon: Even though he didn't pay his rent, you saw him several times?
>
> Hiss: He was about to pay it and was going to sell his articles. He gave me a payment on account once. He brought a rug over which he said some wealthy patron had given him. *I have still got the damned thing.* [Emphasis added.]

This rug was to become another major item in the arsenal against Hiss. Subsequently, Chambers told the House committee that the rug represented a token of appreciation from the Communist Party to Hiss. At the trials, the prosecution tried to reinforce the story with documentation. Professor Meyer Schapiro, of New York, testified that, at Chambers' request, he had purchased four rugs from the Massachusetts Importing Company. A cancelled check for $600 showed the purchase had been made Dec. 23, 1936, and a delivery receipt showed the rugs had been delivered to Schapiro on Dec. 29.

Chambers gave a cloak-and-dagger version of the presentation of the rug to Hiss. He said that he had had Schapiro ship the rugs to George Silverman in Washington. He declared that Hiss's rug was transported in Silverman's car to a rendezvous with Hiss at a restaurant on the Baltimore-Washington Road. There it was placed in Hiss's car without Hiss or Silverman ever meeting each other, and Chambers told Hiss what the rug signified, that it was a token of appreciation from the Communist Party for his services.

This testimony by Chambers, if true, would be of vital importance in the case, especially in view of the date of the transaction. The Schapiro check and delivery receipt were documentary proof that the four rugs could not have been delivered in Washington until sometime after Jan. 1, 1937, and so if it could be established that Hiss's rug was one of these four, that simple fact would prove Hiss lied when he testified under oath that he had not met or seen Chambers after Jan. 1, 1937.

Chambers' tale of the rug, however, clashed with the testimony of the Hisses and Cleide Catlett, their former maid. The Hisses testified that they were living at the P Street house, which they left at the end of June, 1936, when Chambers ap-

peared one day in the spring lugging a rug. Hiss declared that, though Chambers didn't specifically say so, he took it that the man was trying to make some small return for the apartment and the Ford. The red rug, he and his wife said, had been spread out in Timothy Hobson's third-floor playroom.

Cleide Catlett corroborated this testimony. She said she remembered the rug on the floor of the P Street house. Furthermore, she was positive it was the same rug because, just before the second trial, she had been taken to Hiss's New York home and shown the rug on the floor of the playroom there.

Murphy, curiously enough, didn't challenge any of this in cross-examination, even though the positive proof of late association between Hiss and Chambers was so important to his case. He didn't ask Cleide Catlett a single question, and in cross-examining Mrs. Hiss, he

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seemed almost to accept the defense's contention that the rug *was* on the floor of the P Street house.

> Q. You had the rug when you were at P Street? A. Oh, yes.
>
> Q. As a matter of fact, you had it for a number of months prior to that? A. That is right.

Now, obviously, it would have been a physical impossibility for Chambers to give Hiss a rug in the spring of 1936 that he did not receive in Washington until January, 1937, and so, if the unchallenged and uncontradicted testimony of the defense is true, Hiss's rug must have come to Chambers in some other way. It could not have been one of the four purchased by Schapiro.

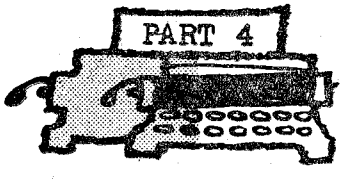
This is so elementary that one would have thought every effort would have been made to haul the rug into court and show it to the dealer who made the sale to Schapiro. The dealer was there. He testified. But the rug itself was never produced.

In summation, Murphy tried to blame the defense for this. "The thing to do when you are unjustly accused is to come and prove that that is not the rug," Murphy told the jury. "The Government can't go and subpoena rugs belonging to the defendant. . . . Bring it in here. Let us look at it. Let the expert look at it. 'That is one of the four rugs I sold.' Bang. Guilty. No, don't do it that way. . . . He could not bring the rug in because that proves Count II [association with Chambers after Jan. 1, 1937]."

This, of course, is a bit of hocus-pocus unworthy of a federal prosecutor whose dedication is supposed to be, not to get a conviction regardless of the evidence, but to see that justice is done and that only the guilty are convicted. Contending that the government could not subpoena Hiss's rug is almost like contending that the prosecutor couldn't seize the gun in a murder case because it belonged to the murderer. Hiss and his wife had testified in two trials; they had contradicted Chambers and made the rug an issue. Certainly the government had the power to get the rug and bring it into court if it wished—and if it dared. The fact that apparently it didn't dare speaks volumes. It seems to indicate a fear that the expert might possibly have said: "No, this isn't one of the rugs." And then the verdict might have been: Bang. Not Guilty.

In any event, reading the testimony, one finds it hard to believe that the rug represented what Chambers said it represented. Would a man who had received a rug as a gift from the Communist Party—and who wished to disavow Communist ties—volunteer the information that he had received it? Even if by some wild chance he did, would he announce that he still had the rug, the evidence as it were, in his possession? Would he introduce testimony, as Hiss's defense did through Cleide Catlett, that the rug was still in use in his home, thus practically taunting the government to come and get it and prove its case if it could? The answer to all these questions, it would seem, simply has to be an emphatic No.

There is no testimony in this case that Alger Hiss is the greatest fool ever born, but he would have to be all of that to act as he did in this matter if he had any suspicion that the rug represented the wages of guilt and treason as Whittaker Chambers testified that it did.



The Name Is Carl

Throughout Chambers' testimony there runs the refrain that Hiss was a dedicated Communist. He was so dedicated that he accepted Chambers just by the first name of Carl, never inquiring about a last name; he was so dedicated that he snitched money out of his stepson's school fund for the Communist cause, passed his car on to a loyal Communist worker, received a rug as a testimonial from the party and finally committed the ultimate act of treachery by funneling State Department secrets to Chambers.

This is the picture that Chambers painted of Hiss. It was accepted without question by the House Un-American Activities Committee. But how did it stand up in the exacting light of two lengthy trials?

Let's take first the question of the name, Carl, as contrasted with Hiss's recollection of George Crosley.

From the first, from the moment of the private confrontation in the Hotel Commodore, Chambers tried to give the impression that he had never used the name of Crosley. The House committee, in fact, accused Hiss of making up the name to deceive it and the American public, and this charge was another major element in the widespread publicity unfavorable to Hiss.

Prior to the positive identification in the Commodore, Hiss asked Chambers: "Are you George Crosley?"

"Not to my knowledge," Chambers replied.

Hiss then hesitated to make the identification until, after some more sparring, Chambers agreed that he was the man who had spent some three weeks or a month in Hiss's 28th Street apartment. Hiss, after this testimony, acknowledged that Chambers was the man he had known and asked again:

"Did you ever go under the name of George Crosley?"

"Not to my knowledge," said Chambers.

Before the hearing was over, the chairman of the House committee was accusing Hiss of having "built up this Mr. Crosley." Yet, as Hiss points out, there are some indications that the name of Crosley was not entirely strange to House investigators. When Hiss had first mentioned the name at the previous Aug. 16 hearing, Stripling had asked him whether he knew if Crosley's middle initial was "L." This specific

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question certainly hints of specific knowledge. Nixon also later asked if Hiss didn't know what Crosley's middle initial was. Hiss insisted that he didn't.

Hiss was asked by the House committee if he could name three persons who might have known Chambers as Crosley. He said the only possibility was that some other workers with the Nye committee in 1934-35 might have encountered Crosley, and he suggested three names. Investigation showed one of these persons was dead; the other two couldn't recall Crosley. This failure to find verification for Hiss seemed to the House committee justification for the final judgment it passed in statements and reports that Chambers had been known to Hiss as just plain Carl and that Crosley was a fictional character created by Hiss to postpone the evil day of having to acknowledge Whittaker Chambers.

THIS early build-up of the name conflict, however, encountered some rough going in the Hiss trials. Cleide Catlett, who testified that she had admitted Chambers just once through the door of Hiss's P Street home, declared that he was using the name of "Crosby" or "something like that." She testified that, prior to the second trial, FBI agents brought her in for repeated questioning and that, on one occasion, Murphy himself grilled her closely about the name. She was positive and unwavering in her recollection, however, and Murphy, as has been noted, didn't challenge her in cross-examination.

Samuel Roth, a publisher of pornographic literature, subsequently recalled that he had once published an erotic poem written by Chambers under the name of Crosley. He added that Chambers had used the pen name of George Crosley for some other poems that he had submitted.

These tenuous indications that Hiss may have been truthful from the start in identifying Chambers as Crosley received some further support from Chambers himself in the final Hiss trial. Chambers had no difficulty in recalling the other phony names he had used—Breen, Cantwell, Dwyer—but he suffered an acute lapse of memory about the name George Crosley. His contention that the Hisses had never known him by any name but Carl became slightly incredible, to say the least of it, when Chambers tried to detail trips he had made with the Hisses, and persons to whom he had been introduced by them.

Now, obviously, one does not register at a tourist home, as Chambers insisted he and the Hisses did in Petersboro, N.H., as just plain Carl. Nor is one introduced to perfect strangers as just plain Carl. The use of this first name alone may seem thrillingly sinister as a part of Communist technique, but even Communists have to live in the practical world of every-day and in this world a man without a last name is a decided oddity.

The tight spot in which Chambers had placed himself, of his own volition and without any cross-examining pressure from the House committee, becomes glaringly obvious when one reads the cross-examination in the second trial. Mrs. Chambers, who supported her husband's story loyally down to the last detail, was hard-pressed to explain what name she had used while occupying the Hisses' 28th Street apartment. The problem here was that the Chamberses had testified that they had inherited a maid, Julia Rankin, from the Hisses. The Hisses denied that there had ever been such a person, but the Chamberses insisted that there had and, having so insisted, they were stuck with Julia Rankin. Mrs. Chambers was asked to explain just what Julia called her. She had testified that she was known to the Hisses as just plain Liza. But obviously one isn't known to one's maid as just plain Liza. For six weeks, Mrs. Chambers admitted, Julia Rankin called her something, but what it was that Julia Rankin called her, Mrs. Chambers unfortunately could not recall.

Chambers ran into similar embarrassment in connection with his testimony regarding a woman friend of the Hisses whom he had met while dining in a Georgetown restaurant in 1935. The woman was known by the strikingly odd nickname of "Plum" Fountain, said Chambers, and he was introduced to her. This opened a door to logic, and Claude Cross, Hiss's second trial counsel, walked through the door and engaged in this duel with Chambers:

> Cross: You were introduced to her?
> Chambers: That is right.
> Cross: And you can't tell what name you used?
> Chambers: That is right.
> Cross: Well, you know it wasn't Carl, don't you?
> Chambers: It certainly was not Carl.
> Cross: Was it Mr. Crosley?
> Chambers: I don't believe so.
> Cross: Well, what name was it?
> Chambers: I have no idea, as I have told you.
> Cross: You wouldn't say it was not Mr. Crosley, would you?
> Chambers: I think it very unlikely.

Chambers agreed that a name must have been used in the introduction. He agreed that the name was not Chambers, that it was not Breen, that it was not Dwyer, and almost certainly it was not Cantwell. But he professed himself utterly unable to recall what it was.

THE NEAREST that Chambers came to a confession—and in view of the transparent phoniness of his story that he had been known to the Hisses only as Carl, it seems near enough—was during his cross-examination in the second trial when Cross demanded what name he had used while living in the 28th Street apartment.

"I have never been able to remember," Chambers said.

Cross asked if the name might have been Crosley, and Chambers conceded: "It may have been."

With the sinister Communist agent Carl thus reduced to human proportions as very probably Hiss's George Crosley, let's see what becomes of the remainder of Chambers' contention that Hiss was such a devout Communist. The absolute proof of communism, of course, lies in the paying of dues to the Communist Party. Chambers was asked about this during his very first appearance before the House committee on Aug.

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3. He had testified that the Communist cell in Washington, of which he said Hiss was a member, had met regularly in the apartment of Henry Collins, admittedly a close boyhood friend of Hiss. Then comes this sequence:

Stripling: When you met with these people at Mr. Collins' apartment, did you collect Communist Party dues from them?

Chambers: I did not, but the Communist Party dues were handed over to me by Collins, who was the treasurer of that group.

Stripling: When he would turn over Communist Party dues, would he turn over any other information to you, any other dues or information other than from these seven people?

Chambers: Well, the dues were not simply from the seven people, I believe. Dues were from the whole apparatus, cells which were headed by these seven people.

Asked how much money he received in this mass collection and whether it was a considerable sum, Chambers replied: "My impression was that it was, and I believe I heard that because at that time the dues were 10 per cent of whatever the individual's salary was."

This testimony makes it clear beyond any shadow of doubt that the dues collected by Chambers were a bulk collection all put in one envelope and given to him by Collins. Now read the testimony that Chambers gave just four days later, at the private session of Aug. 7, when he was detailing his knowledge about Hiss:

Nixon: Did you obtain his [Hiss's] party dues from him?

Chambers: Yes, I did.

Nixon: Over what period of time?

Chambers: Two or three years, as long as I knew him.

Nixon: Party dues from him and his wife?

Chambers: I assume his wife's dues were there; I understood it to be.

Nixon: You understood it to be?

Chambers: Mr. Hiss would simply give me an envelope containing party dues which I transferred to Peters. I didn't handle the money.

Nixon: How often?

Chambers: Once a month. . . .

Nixon: And once a month over a period of two years, approximately, he gave you an envelope which contained the dues?

Chambers: That is right. . . .

Nixon: This envelope contained dues of Hiss and other members of the group?

Chambers: Only Hiss.

Nixon: You collected dues from the other members of the group individually?

Chambers: All dues were collected individually.

Chambers collected Communist dues in bulk from Collins as treasurer of the group; Chambers collected Communist dues from Hiss individually because Communist dues were collected only on an individual basis. Simplicity itself, isn't it?

The whole picture became even clearer when Chambers testified at the public hearing in Washington on Aug. 25. Just eighteen days before, he had told Nixon categorically that he had collected Hiss's Communist dues from Hiss personally—he had even added that Hiss was "rather pious about paying his dues promptly"—once a month over a period of at least two years. Nixon, who had drawn the once-a-month version from Chambers on Aug. 7, again handled the questioning of Chambers on the same point on Aug. 25. This is the record of the questioning:

Nixon: Did you yourself have occasion at any time to take dues from Mr. Hiss for the Communist Party?

Chambers: I did.

Nixon: You did?

Chambers: Yes.

Nixon: On one occasion or more occasions than one?

Chambers: At least on one occasion, and I would think on at least three occasions.

Nixon: Could it have been more or less than that?

Chambers: It could have been more than that.

Nixon: Who collected dues for Mr. Hiss generally?

Chambers: Henry Collins.

Nixon: Henry Collins?

Chambers: Henry Collins was the treasurer of that group.

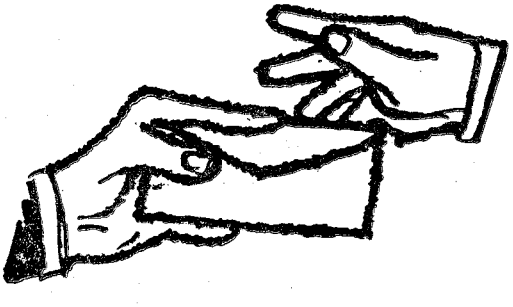
Nixon: Did J. Peters ever collect dues from Mr. Hiss?

Chambers: Yes, he did.

It would seem obvious, reading this testimony, that Chambers had come full circle, contradicting himself emphatically in the process. First, Hiss's Communist dues were all paid through Henry Collins, the treasurer of the group; next, they were all paid by Hiss individually to Chambers because Communist dues were paid only individually, and these payments were made by Hiss to Chambers once a month for at least two years; and, finally, Hiss paid Chambers his dues at least once, probably at least three times, and the rest of the time the dues were paid through Henry Collins, the treasurer of the group.

Though each of the three versions was flatly incompatible with the others, the members of the House committee accepted all three as if each were gilt-edged with veracity. Not a single sharp question was asked Chambers. No member of the committee exhibited the elementary common sense to call a halt and say, "Well, now, look here, how can all this be?"

The postscript to this confused and contradictory testimony of Chambers was written in the second trial. Thomas Murphy, a daring and resourceful prosecutor who boggled at no tactic to convict Hiss, ignored the dues-paying angle. Though proof of Hiss's Communist ties was vital to his case and though no proof could have been more conclusive than the fact that Hiss had paid dues, Murphy did not ask



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Chambers a single question on this point. Pretty obviously, he did not relish the task of trying to reconcile Chambers' three versions into one coherent, harmonious story. Singularly enough, since the prosecution hadn't broached the subject, the defense let it rest also, though it would seem that Chambers had left himself wide open to the barbs of a skillful and caustic cross-examiner. This questionable strategy on the part of the defense let the prosecution escape unscathed on one of the most vulnerable points in Chambers' entire testimony, and the jury never got the picture of the accusing witness who told three widely different stories on one simple, basic issue.

One more witness was called by the prosecution to bolster the Communist charge against Hiss. This was Hede Massing, one-time wife of Dr. Gerhart Eisler, the Communist leader. She had been barred from testifying in the first trial by Judge Samuel H. Kaufman because her testimony at best was remote. This action had brought down upon the judge a savage barrage of criticism in Congress and in the press. The judge's impeachment had been demanded, and Nixon and other Congressional leaders plainly implied in their speeches that he had deliberately blocked the conviction of Hiss. In the second trial, Judge Goddard permitted Mrs. Massing to testify.

By her own admission a life-long Communist until she "broke with the Russians in 1937," Mrs. Massing testified to a conversation that she declared she had had with Hiss in 1935. She said she had met Hiss at a party in the Washington home of Noel Field, a State Department employee who later disappeared behind the Iron Curtain. She testified that she had twitted Hiss, saying that she was going to lure Noel Field away from Hiss's organization and into her own. The conversation wound up, she testified, this way: "Either he or I said, the gist of the sentence was, 'Whoever is going to win, we are both working for the same boss.' Now, as I say, I don't remember whether he or I said that, but this sentence I remember distinctly because it was very important."

This one quotation of uncertain origin represented the kernel of Mrs. Massing's story. She admitted on cross-examination that she couldn't recall the dates of her own marriages, but she was positive about that quote, though not positive about who said it. The defense brought out that, at the time she testified, Mrs. Massing was writing a series of magazine articles about her experiences with communism, a literary effort whose value certainly would not be depreciated by her appearance in a star role at the Hiss trial.

THE defense also produced a witness who testified that Mrs. Massing had given him an entirely different version of her one meeting with Alger Hiss. The witness was Henrikas Rabinavicius, a former Lithuanian diplomat who had had to flee from the Russians. He testified that he had met Mrs. Massing in September, 1949, prior to the second trial, at the home of her ghost writer, Eugene Lyons. Mrs. Massing's version then, according to Rabinavicius, was that she had been sent to Washington in the mid-thirties "to contact young men" in the State Department and that she had "carefully concealed" her Communist-spy role from them "because that would have frightened them away from her." Rabinavicius testified that Mrs. Manning had described her efforts to lure Noel Field into an organization to fight fascism. He had told her he already belonged to such an organization headed by a colleague in the State Department—Alger Hiss.

Then Mrs. Massing described her meeting with Hiss in Field's home, told how they bantered with each other, and at the climax of her account, turned to her ghost writer, Lyons, and said: "Gene, what did Alger Hiss say?"

Lyons retorted, according to Rabinavicius, "I don't know what Mr. Hiss said. I wasn't there. You ought to know yourself."

Mrs. Massing explained that she had repeated her story so many times she was getting confused and concluded the account, Rabinavicius testified, by saying that she had predicted to Hiss that she would triumph in the contest for the allegiance of Noel Field because she was a woman. She had made no reference, Rabinavicius asserted, to any remark by either Hiss or herself about working for the same boss.

Rabinavicius testified that he had even tried to question Mrs. Massing about how she could be certain Hiss was a Communist. Had he told her so? "No," she replied. "He did not tell me. He did not have to tell me. I knew that he was."

"How could you know that a man was a Communist or a spy if he did not intimate to you or tell you that he was?" Rabinavicius asked.

"Oh," Mrs. Massing replied, "you don't understand those things. One *apparatchik* [Communist] understands, realizes who is another *apparatchik*."

Such was the monumental testimony of Mrs. Massing, for the barring of which large sections of the American press had wanted to impeach Judge Kaufman. Hiss denied the whole thing, denied he had ever met Mrs. Massing anywhere until FBI agents asked him in December of 1948 if he could identify her.

In his book, Hiss admits that he had known Noel Field in Washington, but points out, in relation to Rabinavicius' version of Mrs. Massing's story, that he had never served in the State Department when Field was there and so he could hardly have headed an anti-Fascist group in the department to which Field belonged. He adds that, after the nature of Mrs. Massing's testimony had been publicized in the press during the first trial, he got a Swiss attorney to contact Mrs. Field, then living in Geneva. She flatly denied that he and Mrs. Massing had ever been in her apartment at the same time. Later, Mrs. Field, too, disappeared behind the Iron Curtain.

This was the extent of the prosecution's effort to establish by direct testimony that Alger Hiss had been a Communist. Two more relevant angles remain to be mentioned.

Chambers had included Alger Hiss's younger brother, Donald, in his accusations. He had alleged that Donald Hiss, too, was a Communist; had charged that he had met Donald frequently at Alger's house; had asserted that he had collected Com-

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munist Party dues from Donald as well as from Alger. Donald Hiss flatly denied every tittle of Chambers' story. He testified that he had never even met Chambers, never even heard of the man until sometime in February or March, 1948, when a friend told him that somebody named Whittaker Chambers had said at a dinner party that he and Alger were Communists. Donald Hiss denied emphatically that he had ever been a Communist, ever paid party dues to anyone.

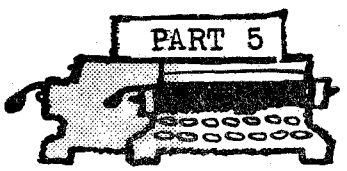
This conflict of testimony was direct, irreconcilable; yet Murphy's cross-examination of Donald Hiss can only be characterized as gingerly. He asked just a dozen questions, all inconsequential. Not one touched the vital parts of Donald Hiss's testimony; not one questioned his complete repudiation of every detail told by Chambers. The result, in effect, is a complete vindication of Donald Hiss and a complete repudiation of Chambers.

Such a conclusion, of course, opens the way to a truly shocking train of thought. For, if Whittaker Chambers' testimony collapsed of its own weight in respect to one brother, what guarantee is there that there is any truthfulness in it with regard to the other?

Perhaps no guarantee at all. Certainly, in one important respect, Chambers' testimony has been contradicted since the second trial by the testimony of Lee Pressman. He, like other members of the Communist group named by Chambers, had claimed his constitutional privilege and refused to testify at the time of the trials. But, in 1950, after the outbreak of the Korean War, Pressman waived this privilege and testified under oath before the House Un-American Activities Committee.

He corroborated Chambers' testimony that he had belonged to a Communist group in Washington from 1934 to the latter part of 1935, a vitally important period because it was just at this time, according to Chambers, that Hiss belonged to the same group, and just at this time that Hiss had committed his first act of treason by passing to Chambers secret documents that came to him in his position as legal assistant to the Nye committee. Pressman testified that the group had existed, but he insisted that there were four, and only four, people in it—Nathan Witt, Charles Kramer, John Abt and himself. Of Hiss, he said:

> Now, I believe it of interest to comment that I have no knowledge regarding the political beliefs or affiliations of Alger Hiss. And when I say I have no knowledge I am not endeavoring to quibble with this committee. I appear here, as I necessarily must, as a lawyer. I am a lawyer. When one asks me for knowledge, knowledge to my mind is based on fact, and I have no facts. And bear in mind, sir, that as an attorney, to be asked to comment on a case now pending in court is a very unusual experience for an attorney, because anything I say undoubtedly may have an impact one way or another on that case, and for that reason I am trying to be very, very precise. I do know, and I can state as a matter of knowledge, that for the period of my participation in that group, which is the only basis on which I can say I have knowledge, Alger Hiss was not a member of the group.



Chambers and the Party

The major stumbling-block to positive conviction about the guilt of Alger Hiss is always Whittaker Chambers. It was Chambers who, by his testimony, convicted Hiss, and it is Chambers who, by this same testimony, clouds with persistent doubt the justice of that conviction. One of the most striking examples of this paradox is to be found in Chambers' changing versions of the date of his break with communism and his clashing testimony regarding the role played by Hiss—his outright denial that Hiss had ever been a spy; his outright insistence that Hiss had been nothing else from the earliest days of their acquaintance.

Just as Chambers' testimony about the collection of Hiss's Communist dues veered to all points of the compass like a weather vane in a williwaw, so does his testimony shift on these basic points that are the crux of the case. Their significance is simply this: If Chambers broke with communism in 1937, as he said repeatedly that he did, he could not have collected documents from Alger Hiss in early April, 1938; if Alger Hiss never engaged in espionage, as Chambers at one time repeatedly swore under oath that he did not, then obviously he could not have been a spy and obviously he could not have passed the Pumpkin Papers to Chambers.

In this, as in so much else in this weird case, one is confronted with the necessity of choosing between two Whittaker Chamberses. In the climate of the times, it was easy to believe that the Whittaker Chambers who condemned and convicted Hiss was the real Whittaker Chambers; but now, when passion has cooled and reason again can assert itself, one has to ask oneself about that other Whittaker Chambers, the original Whittaker Chambers whose testimony would have precluded all the deeds that the second Whittaker Chambers vowed had been committed.

Anyone who tries to weigh the two Whittaker Chamberses in the scale, one against the other, must have first a clear conception of all that was involved in Chambers' break with communism. This, certainly, was the turning point of his life. It was for him a crucial, an excruciating, a daring decision. In his book, *Witness,* Chambers paints the inner drama vividly.

In his opening chapter, he asks and answers the question that, he feels, will come first to every mind. "How did you break with Communism?" he writes. "My answer is: Slowly, reluctantly, in agony."

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Later, he returns to the theme and spells out the agony of the wrench in explicit detail. He writes:

> I have reached that point in my narrative at which this book began—the point at which I repudiated Communism and violently broke away from the slaves of the Communist mill. So great an effort, apart from its physical and practical hazards, cannot occur without a profound upheaval of the spirit. No man lightly reverses the faith of an adult lifetime, held implacably to the point of criminality. He reverses it only with a violence greater than the force of the faith he is repudiating. . . .
>
> Julian Wadleigh [one of Chambers' admitted spy contacts in the State Department] has told in a series of reminiscences that he published between the Hiss trials, how, in 1937, he was once complaining to me about his troubles and I answered that I had known trouble that kept me awake all night at my window. I remember that night well. It was the night that I faced the fact that, if Communism were evil, I could no longer serve it, and that that was true regardless of the fact that there might be nothing else to serve, that the alternative was a void. It was that void that I faced throughout the night until the alley below me again took form out of the opacity of a sultry dawn.

Chambers describes the care with which he plotted his break with communism. He wanted a new car to facilitate his getaway (and got it, he says, with Hiss's $400); a place to hide out where he would not be known; a weapon, and a "life preserver" in the form of documents (of which more later). When all was ready, he made the irrevocable break, certain in his own mind that the Communist underground would try to murder him. For a year, he says, he slept constantly with a loaded gun at his side; for a year, when he wrote at night, he worked with a loaded revolver on his desk.

This terror-haunted existence could hardly fail to impress itself indelibly upon the memory of the man. One would expect that any man who has passed through such a tortured convulsion and lived in such fear of retributive violence would have a crystal-clear recollection of exactly *when* the crisis was reached and passed. He might be expected to know almost to the day and the hour the time when he went into hiding and began to sleep with a gun at his side. Certainly, the month and the year could hardly ever be confused in memory, one would think, with any of the lesser, routine events of life afterwards.

Let's see, therefore, how Whittaker Chambers' story of this momentous period developed — and how it changed.

LESS THAN TWO years after his break with communism, Chambers made his first official disclosure about Communist infiltration into government. He went to Washington about Sept. 1, 1939, and there he had a long private conference with Adolph A. Berle, Jr., Assistant Secretary of State. "He related a story to me that he had been a member of the undercover Communist group from 1934 to the end of 1937, as near as I can recall," Berle testified before the House committee.

Berle had kept a careful memorandum of his conversation with Chambers, jotting down the names of men whom Chambers had accused and the nature of their involvement. The specific acts cited by Chambers, according to this memorandum, all occurred during 1936 and 1937.

Next, Chambers told his tale of Communist intrigue to another writer, Malcolm Cowley. He startled Cowley by making a charge that subsequently faded from his account; he accused Francis B. Sayre, Hiss's superior, of having been a Communist and having headed a Communist cell in the State Department. Cowley testified he challenged Chambers and told him he didn't believe the accusation. Immediately afterwards, Cowley wrote out detailed notes on his conversation with Chambers. The notes were dated Dec. 13, 1940, and contained this statement about Chambers' break with communism: "He resigned about 1937."

On at least two occasions prior to the sensation of 1948, Chambers was questioned by FBI agents. The FBI reports, dated May 14, 1942, and June 26, 1945, were read to the jury at the second trial. According to the FBI, Chambers had stated that "he was a member of the Communist Party from 1924 until the spring of 1937."

Twice more was Chambers questioned by a government official investigating his charges about Communists in government. The official was Raymond Murphy, security officer of the State Department, who preserved memoranda dated March 20, 1945, and Aug. 28, 1946, dealing with his questioning of Chambers. The first memorandum said: "The informant dealt with these people from 1934 to the end of 1937, when he broke with the party." The second memorandum defined the period of Chambers' activity in Washington this way: "My informant entered into the Washington picture in the summer of 1935 and left it and the party at the end of December, 1937. . . ."

The picture that emerges is clear and consistent. In six separate interviews, Chambers never deviated from his statement that he broke with communism in 1937. The only discrepancy appears in the FBI questioning, when he fixed the time as the spring of 1937; all other accounts agree that he set the end of the year as the date. And all accounts agree that Chambers never mentioned any year except 1937.

THIS WAS STILL the pattern when Chambers told his story for the seventh time before the House Un-American Activities Committee. He was asked by Stripling when he had joined the Communist Party, and he said 1924.

> Q. How long did you remain a member of the Communist Party?
> A. Until 1937.

It is clear from the transcript that this was a carefully-considered answer. Chambers had come to the hearing with a statement prepared in advance. One sentence of this said: "In 1937 I repudiated Marx's doctrine and Lenin's tactics."

Several other references to this 1937 date dot the record of the first hearing. On his second appearance before the committee in the secret session of Aug. 7, Chambers adhered to the same time element. Asked by

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Nixon how long he had known Hiss, he replied: "I knew Mr. Hiss, roughly between the years 1935 and 1937." So well-established did this point appear that Nixon in his subsequent questioning of Hiss remarked: "If as much as possible we can limit our testimony to the years 1934 to 1937, it will be helpful, because there is nothing else at issue."

The first indication that something else might be at issue appears in the record of the Aug. 25 public hearing in Washington. After Hiss had been buffeted on the car issue, Chambers took the stand and was asked by Stripling: "How long were you a member of the Communist Party?" Chambers answered: "I was a member of the Communist Party from 1924 until about 1937 or 1938, early '38."

HERE was the first switch made by Chambers in the vital time element. In eight prior, detailed disclosures stretching over a period of nine years, he had been consistent, as he would be expected to be, about the most crucial single date in his life. Now, suddenly, he shifted the time of his break with communism to "early 1938." The change was made vaguely, without any explanation, and any student of the case, hindsight sharpened by the knowledge of future developments, cannot help wondering what caused this first slight deviation from a well-established pattern.

Even in this Aug. 25 questioning, however, Chambers did not completely dissociate himself from the 1937 date that, it would appear, had been fixed firmly in his mind. For, shortly after he had introduced 1938 into the picture for the first time, he was asked by Stripling: "During what period were you a member of the underground of the Communist Party?" And he answered: "From 1932, roughly, through 1937." A date that still would clash with the dates of the documents in Chambers' future.

Five days after he gave this testimony, Chambers was back on the stand before the House committee, attempting to spell out more specifically the date of his break with communism. He had taken a government job in the fall of 1937. Official records produced at the trials showed that this job terminated on Jan. 31, 1938. Chambers, in his Aug. 30 appearance, testified about this brief period when he was a federal employee. Next comes this sequence with Nixon:

> Nixon: After you left the job, what happened then? Did you leave the party immediately?
>
> Chambers: I think there may have been two or three weeks in between. I have no longer a recollection, but I left very shortly thereafter.
>
> Nixon: In other words, you severed your relationship with the party completely a few weeks afterward?
>
> Chambers: I disappeared.
>
> Nixon: Completely disappeared?
>
> Chambers: Yes, sir.

This testimony would seem to establish that Chambers broke with communism about the third week of February, 1938. Even this adjusted time was still at war with the harsh necessities of the case—the April 1 date on the last of the State Department documents that Chambers produced. And so, in later testimony, Chambers made further shifts.

The first came in his Baltimore libel testimony on Feb. 17, 1949. Chambers, fixing the termination of his spy career by the dates of the documents, said he was sure he had received deliveries from Hiss within a few days of the dates on the papers. The April 1 document, however, hadn't been received in the State Department until 7:45 p.m., and April 1 was a Friday. The indication was that a weekend had intervened and that probably the document couldn't have been delivered to Chambers for several days. Hiss in his book describes the next developments:

> But at the end of the day's hearing, Mr. Whearty, who attended these sessions for the government, remarked that Chambers wasn't allowing enough time [that is, for alleged delivery]. Whereupon, first thing next morning, Chambers said that "after discussing it with counsel" he "should make it perfectly explicit" that the documents "may have been delivered as much as a week or ten days later."

In such manner, Whittaker Chambers shifted the date of the great crisis in his life until, at the first trial, he settled upon a positive date, April 15, 1938, from which he never after was to be shaken. Lloyd Paul Stryker, Hiss's first trial counsel, challenged the process by which Chambers had fixed this all-important date and demanded to know when he had first decided upon it. Chambers replied: "When I began to go over the whole story with the FBI in relation to the documents."

> The Court: What date was that?
>
> Chambers: That was from December until about a month ago, I believe.

Chambers at last had reached safe harbor and picked a date where the testimony he gave would not clash with the documents he had produced. One of the most unsatisfactory elements of the case, however, is that this adjusted testimony was in stark conflict with everything that Chambers had said before—and with significant facts that Hiss's counsel uncovered after the trials.

HISS POINTS out in his book that there were many indications and some solid facts that would seem to show Chambers' original version was correct and that the 1938 date was substituted to fit the documents. He points out that, in 1937, for the first time, Chambers began to drop the Communist aliases he had used and live under his own name. He was listed in the Baltimore telephone directory, his wife obtained her driver's license and registered the new car in the name of Chambers, and she used her right name in applying for a scholarship for her daughter. These are tenuous indications, to be sure, but they are backed up by facts that Hiss's final counsel, Chester T. Lane, uncovered after the second trial.

The lead to Lane's discoveries was provided by Chambers himself in his second-trial version of his break with communism. He testified that, after quitting the movement on April 15, 1938, he moved his family into a room on the Old Court Road near Baltimore and hid out there for a month until he had obtained a translation to do from Paul Willert

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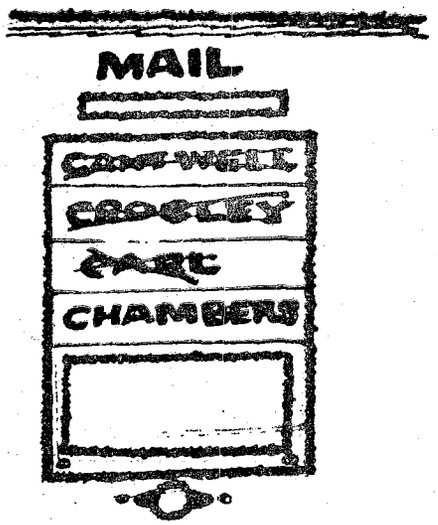

of the Oxford University Press. The book was *Henri Dunant—The Story of the Red Cross* by Dr. Martin Gumpert. Chambers testified that he saw Willert personally in New York and that, soon after he received the manuscript and the advance, he went to Daytona Beach, Florida, where he "finished the translation and after a month returned to New York."

In preparing Hiss's motion papers for a new trial, Lane saw in this testimony a possible check-point on Chambers' veracity. He contacted Dr. Gumpert, the author; he checked the files of the Oxford University Press in New York and London; he contacted Dr. Gumpert's London literary agents. From all of these sources, he assembled a mass of detail that clearly indicates Chambers had been given the translation to do by about March 1, at the latest.

Dr. Gumpert, in an affidavit, said that a woman had been engaged in December, 1937, to translate his book. Some time afterwards, Chambers was substituted. Dr. Gumpert asked the Oxford University Press whether he could meet Chambers and talk with him, but was told that Chambers "was in hiding from the Russian secret service" and was constantly changing his address so that even the publisher couldn't contact him, but had to wait to be contacted. Dr. Gumpert, years later when his affidavit was made, couldn't establish the vital detail—the date.

But in the Oxford Press files in London, Lane's researchers found copies of correspondence that do fix the date. These show that the London office had heard about the new translator (Chambers) as early as March 3 and had written a letter the following day asking the New York office for a report on progress. A shipping tag in the New York office showed that what apparently was the last batch of manuscript—"extra chapters" to which Chambers himself later referred in a letter—had been mailed to Chambers at his Mt. Royal Terrace address in Baltimore on Friday, March 18, 1938. The mailing instructions were, "Rush —must reach Baltimore Saturday express"—perhaps an indication that Chambers was about to leave for Florida. The clinching bit of evidence, it would appear, was a note in Chambers' own handwriting addressed to Willert in New York and mailed from St. Augustine, Florida, on May 3, 1938. In this, Chambers remarked that he had not been in Baltimore "for more than a month."

THIS closely-linked, cumulative chain seems to permit only one conclusion. Chambers' statement that he had broken with the party and gone into hiding just before he received the translation is reinforced by Dr. Gumpert's statement that he had been told he couldn't meet Chambers because Chambers was a fugitive from Russian terrorists. The London correspondence fixes the time as about March 1 at the latest; the March 18 shipping tag shows conclusively that Chambers must have been at work on the manuscript at that time; and Chambers himself in his May 3 note from Florida adds the extremely significant admission that he hadn't been in Baltimore in "more than a month." The conclusion seems inescapable that Chambers had quit the party and had been in hiding for at least some weeks prior to the vital April 1 date when, by the evidence of the documents, he would have had to have been a still-active spy.

This time-element contradiction of Chambers' testimony is compounded when one adds to it a second significant fluctuation—Chambers' original persistent denials that any espionage had been involved in his relationship with Hiss. From the instant of his first disclosure to Adolph Berle down to the instant that he produced the documents, Chambers had been as consistent in denying espionage as he had been in fixing 1937 as the date of his split with the party. Berle testified before the House committee that Chambers had given him this picture:

> He said that in addition to the New York core, the party policy, the Communist Party policy, had been to try to develop a group of sympathizers who might be of use to them later in the United States Government. This was not, as he put it, any question of espionage. There was no espionage involved in it. He stated that their hope merely was to get some people who would be sympathetic to their point of view. With that in mind, apparently a study group of some sort had been formed of men who were interested in knowing something about Russia and Russian policy and the general Communist theory of life, and so on.

In his subsequent interviews with the FBI and with Ray Murphy of the State Department, Chambers adhered to the position he had taken with Berle. Murphy's memorandum of his second interview with Chambers is exceptionally explicit on this point. After listing the names and connections of all the men in government whom Chambers had accused, Murphy wrote:

> There were other underground Communist groups operating in Washington, but this was the elite, policy-making, top-level group. This group did not exchange secret documents from the Government Departments, but did give sealed reports on the membership of the group and on policy. It was not a spy ring, but far more important and cunning because its members helped to shape policy in their Departments.

It has been suggested that these early denials by Chambers may have been prompted by a healthy sense of self-preservation. After all, if he had accused Hiss of espionage, he would have had to reveal that he himself had been a spy and thus lay himself open to a capital charge. While prosecutors are almost invariably extremely charitable to inform-

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ants who bring them such vital information, still the possibility existed that Chambers, were he to make such a charge, might fall into the hands of a maverick who would insist on prosecuting him.

The prospect might daunt any man, even a Whittaker Chambers who had discovered the meanings of the words religion and conscience and patriotism; even a Whittaker Chambers who visualized himself as a martyr battling single-handedly against overwhelming forces, struggling single-handedly to alter the course of history by arousing America to the dangers and the horrors of communism. There can be no question that this was Chambers' conception of his appointment with destiny, yet even such a man, in the years immediately after he broke with the party, might have hesitated to lay himself open to a spy charge. The same motive, however, could hardly have influenced Chambers when he took the stand before the House committee in the summer of 1948. After all, there is such a thing in law as the statute of limitations; time had outlawed any belated spy charge against Whittaker Chambers, just as it had against Hiss. Chambers, when he took the stand before the House probers, was in the clear, free to testify to the truth as he knew it, free of all legal hazard unless he should commit perjury on the witness stand. What, then, was his testimony?

Chambers, in his first appearance, told the committee:

> The purpose of this [Communist] group at that time was not primarily espionage. Its original purpose was the Communist infiltration of the American government. But espionage was certainly one of the ultimate objectives.

It is clear that, in this testimony, Chambers has it both ways. The purpose of the group wasn't espionage, he says, but he states that espionage "was certainly" an ultimate objective. It is testimony, like so much that Chambers gave, that seems to say more than it says; but later, on this same day, questioned more closely on the point, Chambers repudiated emphatically the suggestion that he seemed to have thrown out. He was asked whether Harry Dexter White had been "a source of information to the Communist cell," and he replied:

> No. I should perhaps make the point that these people were *specifically* not wanted to act as sources of information. These people were an elite group, an outstanding group, which it was believed would rise to positions—as, indeed, some of them did—notably Mr. White and Mr. Hiss—in the Government, and their position in the Government would be of very much more service to the Communist Party. . . . [Emphasis added.]

Reading such testimony, one finds oneself wondering how it could possibly be more explicit, how it could possibly be changed later to hold that the exact opposite was the real truth. Bafflement deepens as one follows Chambers' conduct in the first hearing and finds that, time and again, he repeated his denial that there had been any taint of espionage in his relations with Hiss.

ONE OF the most graphic of Chambers' repudiations of espionage came on the Aug. 27 *Meet the Press* program, when Chambers shucked off the mantle of privilege and laid himself open to a libel suit by accusing Hiss of having been a Communist. Lengthy excerpts from the broadcast, published in Hiss's book, show that members of the interviewing panel tried hard to get to bedrock. Tom Reynolds, of the Chicago *Sun-Times*, was especially persistent. This is the record of his exchange with Chambers:

> Reynolds: Are you prepared at this time to say that Alger Hiss was anything more than, in your opinion, a Communist? Did he do anything wrong? Did he commit any overt act? Has he been disloyal to his country?
>
> Chambers: I am only prepared at this time to say that he was a Communist.
>
> Reynolds: It seems to me then, sir, if I may say so, that in some respects this may be a tempest in a teapot. You say that he was a Communist, but you will not accuse him of any act that is disloyal to the United States.
>
> Chambers: I am not prepared legally to make that charge. My whole interest in this business has been to show that Mr. Hiss was a Communist.
>
> Reynolds: Would you be prepared, for instance, to put on the record the testimony that you gave during three or four or five interrogations by the FBI?
>
> Chambers: The gist of that testimony is already on the record in the Un-American Committee.
>
> Reynolds: I am not interested in the gist. But I presume that there were assertions that overt acts were committed. Are you willing to put on the record, so that it can be tested in the courts under the laws of evidence, that this man did something wrong?
>
> Chambers: I think that what needs clarification is the purpose for which that group was set up to which Mr. Hiss belonged. That was a group, not, as I think is in the back of your mind, for the purpose of espionage, but for the purpose of infiltrating government policy by getting Communists in key places.
>
> Nat Finney (Cowles Publications): It was not, then, by definition, conspiracy?
>
> Chambers: No, it was not.

This was the broadcast that led to Hiss's libel suit. The suit posed for Chambers the prospect of absolute financial ruin should he lose it. He has written that the sum of $75,000 was "fantastic" compared to his ability to pay. In his book, he concedes that, after the pre-trial hearings started, "I saw that I might lose the libel suit . . ." Certainly a man as astute as Chambers, a man who as a senior editor of *Time* had more than a passing acquaintance with the laws of libel, must have known this from the start. He must have known that, unless he could produce some positive, incriminating evidence against Hiss, he was face-to-face with personal disaster.

Yet, on Oct. 14, 1948, only a little more than a month before he was to produce the documents, Chambers appeared before a federal grand jury in New York and denied that he had any such evidence. The timing helps to make this denial under oath one of the most inexplicable facets of the case. Hiss's dangerous libel suit already had been filed; the Baltimore pre-trial hearings were only a couple of weeks in the future.

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This would seem to be the time for Chambers to spring the trap, if indeed he possessed such a trap, because the indictment of Hiss almost certainly would solve all his problems. Yet we find Chambers testifying in this fashion:

> Juror: Could you give me one name of anybody who, in your opinion, was positively guilty of espionage against the United States?
>
> Chambers: Let me think for a moment and I will try to answer that. I don't think so, but would like to have the opportunity to answer you tomorrow more definitely. Let me think it over, overnight.

After his night's meditation, Chambers resumed his witness role before the grand jury the following day. This is the sequence:

> Chambers: I assume that espionage means in this case the turning over of secret or confidential documents.
>
> Juror: Or information—oral information.
>
> Chambers: Or oral information. I do not believe I do know such a name.

Again, it would seem, no testimony could be more specific. Chambers' position at the time was that, not only did he not know anyone who had passed along secret documents, he did not even know anyone who had ever given oral information. It is significant that, by this testimony as by his previous testimony before the House committee, Chambers laid himself wide open to a perjury charge. The picture that emerges in his testimony and in *Witness* is of a man who attributes to himself the highest patriotic motives, who feels that he is engaged in a religious war against a demoniac ideology that would destroy all religion; a man who could testify freely without personal danger to himself, who should be motivated so to testify by the strongest kind of personal and religious motives—but who, instead, deliberately lies under oath, thus exposing himself to a possible perjury indictment and thus, too, casting a protective cloak over the very demoniac forces that he feels menace both God and country.

Whittaker Chambers' only explanation of this fantasy in contradictions is that he personally possessed such nobility of soul that he could not bear the thought, until driven to the final extremity, of wreaking irreparable damage to the character and life of another. Not even though that other, Alger Hiss, was suing him for a ruinous $75,000!

In *Witness*, Chambers slides over the direct question-and-answer sequences that are so revealing and concentrates on the subjective, on an analysis of his mind and motive. Writing of his plea for time to consider on his first day before the grand jury, he says:

> Why did I ask for time to consider? What was there to think about? Whether or not I would destroy with shame and suffering people most of whom would gleefully destroy me? I did not believe that the Government had the slightest intention of proceeding against any of them . . . That second day, the grand juror repeated his question about espionage. I knew that there was no other way than by answering no that I could possibly jeopardize myself before the law. I answered: no.
>
> My no to the Grand Jury stands for all men to condemn. I will say only this about it. No man can have watched his brother die a spiritual death by inches, or have dragged him, half-dead, across the frozen ground, or have heard his mother scream as she learned that her son was at last dead, or have listened to her tears choke her in sleep as she lay beside his corpse, or have stood at night beside his brother's grave and listened to a rioting world smash a flask against a cemetery wall—no man can have known these things without feeling for all humanity, in its good and evil, an absolving pity that becomes the central mood of his life. . . . I have always seen all life first with pity. . . . It is that which has always whispered to me that, if a man can perform a saving act for others, and feels within himself the strength to bear the penalty of the act, he must perform it. . . .

Chambers was forced from his high pinnacle of pity by the exigencies of the situation. In the period between his grand jury appearance and the taking of the libel depositions, one other incredible event happened: Truman defeated Dewey for the Presidency. This meant that the Democrats retained control of the Attorney General's office for another four years. Chambers says in *Witness* that he had never had any faith in the government prosecuting Communists, though, he admits, the event proved him wrong. Could it be possible that a man filled with such distrust might have felt that Truman's victory posed for him a double threat—not just the loss of the libel suit but possibly punitive criminal action for his self-contradictory Hiss testimony? If this were so, could it perhaps follow that an espionage charge would become an almost essential step in self-preservation because certainly the one thing that no government could ignore, whether that government was dominated by Democrats or Republicans or sheer Mugwumps, would be one of the most heinous crimes known to man—treason?

WHETHER this is so, whether Chambers was impelled by such motivation or not, the fact remains that the libel suit by itself subjected him to intense pressure. William L. Marbury, Hiss's counsel, demanded at the start of the pre-trial hearings that Chambers produce any letters or papers he had received from Hiss or Hiss's family. Chambers didn't produce any papers, and when Marbury renewed his demand, Chambers' attorney explained that Chambers had "not explored all the sources where some conceivable data might be." Privately, Chambers says, his attorney warned him that "if I did have anything of Hiss's I'd better get it."

This advice led Chambers to hunt up a packet of papers that he had squirreled away at the time of his break with communism. According to Chambers, he had "put by" some documents to be used as "a life preserver." He had reasoned that, if the Communists tried to kill him, he "might have an outside chance of using [them] as a dissuader."

It would seem hardly debatable that a man who has been so prescient as to provide himself with such a hole card would know exactly whether he possessed an ace or a deuce. Yet Chambers, in *Witness*, asks us to believe two completely

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unbelievable things. He asks us to believe that his mind was an absolute blank regarding the nature of the documents he had stored, and he asks us to believe that, if he had remembered them earlier, he probably would have destroyed them out of his solicitude for others. As if a man who takes care to provide himself with a life preserver that could be used only at the expense of others would destroy the preserver to protect those others before his own ship sinks! Yet now, after telling how he had given his precious packet to his wife's nephew, Nathan Levine, of Brooklyn, to hide for him, he writes:

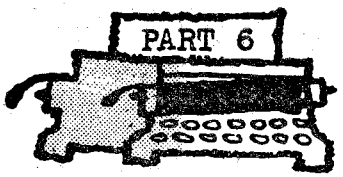
> This much is certain: if during the last six or seven years of that decade, anyone had asked me, "What is your wife's nephew hiding for you?" I should have answered, "Two or three scraps of Alger Hiss's handwriting and perhaps something of Harry White's." The heap of copied State Department documents, the spools of microfilm, had sunk from my memory as completely as the Russian regiments in World War I sank into the Masurian swamps.

Chambers describes how he drove to Levine's home during the mid-November weekend while the pre-

trial hearings were recessed. He asked for his cache, and Levine took him to his mother's house and to a second-floor bathroom, where "a small window opened into a dumbwaiter shaft that had long been out of use." Levine reached inside and pulled out a bulky package "covered with the clotted cobwebs and dust of a decade." Chambers continues:

> In surprise, for I had supposed that the envelope was a small one, I carried it to the kitchen, which was at the end of the hall, and laid it on a white enamel table top . . . In his [Levine's] absence, I opened the envelope and drew part way out the thick batch of copied State Department documents. At a glance, I saw that, besides those documents, and Hiss's handwritten memos, there were three cylinders of microfilm and a little spool of developed film [actually two strips]. By a reflex of amazement, I pushed the papers back into the envelope. Then I held on to the edge of the table, for I had the feeling that the floor was swinging around me and that I was going to fall to it. That passed in an instant. But I continued to grip the edge of the table in the kind of physical hush that a man feels to whom has happened an act of God.
>
> I was still standing there—it had taken only a few moments—when Levine came back . . . and asked me, as nearly as I remember, if I had found what I was looking for.
>
> My answer was more to myself than to him. "Good God," I said, "I did not know that this still existed."

Back home in Baltimore, Chambers recovered from his amazement at the contents of his own "life preserver" long enough to study the documents. He at once realized their significance. "They meant," he writes, "that there had been given into my hands the power to prove the existence of the Communist conspiracy."



The "Immutable" Witnesses

There can be no question that, without the documents, there would have been no case against Alger Hiss. The fact that Whittaker Chambers was able to produce *documents* seemed, to the newspapers and the public, conclusive proof of the charges he had made. The circumlocutions of Chambers' testimony could be forgotten. He may have lied before the House committee, he may have lied before the grand jury. His reasons for doing so were unfathomable but, anyway, they didn't matter. All that mattered was that he eventually told the truth. Obviously, he did. He had the documents, didn't he?

Such thinking influenced the entire course of the case. It is patently obvious in many official actions. The grand jury, without the documents, refused to indict Hiss; the grand jury, after the documents were produced, indicted Hiss. Murphy in the first trial concluded his opening statement to the jury with an admission that doubtless sounded more bald than he intended. "When you have heard all the testimony," he told the jurors, ". . . if you don't believe Chambers, we have no case under the Federal perjury rule." Stryker hopped on the admission and made it his battle cry. In the second trial, Murphy carefully avoided a repetition of the blunder; he under-played Chambers and cast in the starring role the documents and the typewriter—the "immutable witnesses," as he called them, to the crime that he said had been committed by Alger Hiss.

It's important, therefore, to see just how "immutable" were these witnesses—and just how credible was Chambers' testimony regarding the passing of documents by Hiss.

There are two major strands to this testimony. The first involves Chambers' flat assertion, made after he produced the documents, that Hiss had been a spy from the earliest days of their acquaintance and that Hiss, in 1935 when he was counsel to the Nye committee, had passed Chambers State Department secrets. According to Chambers, Hiss had volunteered for this spy role. Chambers testified:

> Mr. Hiss told me that he had the opportunity of using his position in the Nye investigation to obtain confidential documents from the State Department dealing with some angle of the munitions investigation. He

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asked whether or not I wished him to bring out these documents or to try to get them—I should have put one before the other—and I think that would be—well, I answered that I would have to consult J. Peters.

Chambers said that Peters gave the green light to the project. Shortly afterwards, Hiss began to bring out documents, and Chambers himself photographed them. Chambers was positive that he had done some of the photographing on the third floor of Hiss's P Street house. Pressed for details about the contents of the documents, he could only offer the obvious—that "they dealt with some phase of the munitions traffic, as nearly as I can remember." His impression was, Chambers said, that the documents were "original State papers with seals and signatures on them."

This testimony was susceptible to independent check. And because it was, this is what happened to it:

Joseph C. Green, of the State Department, who had been in charge of the department's dealings with the Nye committee, spelled out the procedure by which documents were taken from the files and passed along. He said that the Nye committee had delegated a girl expert in international law to work with the State Department. She examined files and picked out documents that she felt would be pertinent to the inquiry. These were then studied and cleared by the department. Once they had been cleared, *copies* of them were made. At no time did Hiss personally request or receive documents; at no time were *any* original documents given to the Nye committee; at no time were any *secret* documents given to the Nye committee. All of the thousands of documents released to the committee were released for publication, and all, with the exception of about twenty that were withheld not for "security reasons but for reasons of international courtesy," were actually published in committee reports, Green declared.

No collision of testimony could be more drastic. Chambers' tale of espionage in the days of the Nye committee is shattered by Green's testimony, if this be true. One of the most singular features of the second trial is that the government did not contest the point. Green's testimony stands unchallenged, and Murphy, in cross-examining Hiss on this spy charge, exhibited again that singular gingerliness that seems almost like a confession of weakness. Murphy asked Hiss just four questions, and all that these established was a point about which there was no dispute—that Green did supply the State Department documents to the Nye committee.

IN HIS challenging book, *The Strange Case of Alger Hiss*, the Earl Jowitt, former Lord Chancellor of Great Britain, writes perceptively of the significance of this abject collapse of a major Chambers charge:

> If it is established that Chambers was lying in this particular matter, his evidence of the turning over of the other documents can only be accepted with great caution.

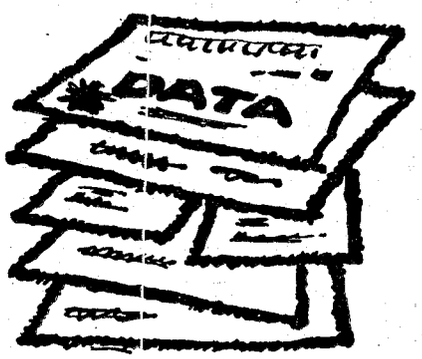
He points out that Chambers attributed to himself an almost God-like compassion for others; that this, indeed, was his only excuse for having denied under oath that he ever had documents like those he later produced. But, says the Earl Jowitt:

> There would be nothing godlike in fabricating a case against an erstwhile friend by representing him as being guilty of treachery in handing over secret documents, if the truth turned out to be that that friend had done no more than supply copies of documents which were intended to be available to any and every journalist. Is this the true view? If it is, the consequences are indeed far-reaching. The reference to the "god of mercy" stands revealed as the most rank and revolting hypocrisy. But much more is involved, for where would a man who was capable of such conduct think fit to draw the line?

This first spy charge that failed forms the background to the second spy charge that succeeded. This second charge rested, of course, upon the documents that Chambers did produce.

First there were four memos in Hiss's handwriting. These were brief notes on incoming State Department cables received on Jan. 28 and on March 2, 3 and 11, 1938. Chambers' explanation of the notes was this: "From time to time Hiss also gave me small handwritten notes. These notes were about documents which had passed under his eyes quickly, and which for some reason or other he was unable to bring out, but which he thought were of some importance."

Hiss's explanation was this: One of his duties as an assistant to Sayre was to scan all incoming cables. The important ones, he sent directly to Sayre; the less important, he read



himself, jotting down notes on the points of greatest interest so that he could later give Sayre an accurate oral report. Sometimes, Hiss testified, his original brief notation was so sketchy that, on re-perusal, it didn't make much sense even to him, and so he would clarify it with a further notation before reporting to Sayre.

The internal evidence of the memos seems to support Hiss. On three of them, extremely cryptic notations in either blue crayon or blue pencil at the top are elaborated in pencil underneath. All of the memos had been neatly folded across in the middle, as might be the case if they had been shoved into a man's pocket.

If Chambers told the truth about these memos, one is staggered by the monumental stupidity of the supposedly brilliant Alger Hiss. A man would have to be a near-idiot, one would think, to entrust to others handwritten notes that, if discovered, would be damning proof of treason. Of course, there is always the possibility that Hiss was so dedicated a Communist (even though there is no credible proof that he was) that he put blind trust in his confederates; but normally it would

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seem more logical to suppose that his personal memos might have been stolen by someone else and passed on to Chambers. Such a go-between would have had no concern about what might happen to Alger Hiss; his would not have been a deed of self-incrimination.

Logic suggests also a second consideration which Hiss stresses in his book. According to Chambers, the Hisses were working industriously on the old Woodstock, copying secret documents. Wouldn't they inevitably, in that case, have typed out more fully and intelligibly the brief office notes that Hiss had made? What would have been the sense of passing along a note headed by gibberish like "30 Potez-63, A lightest type, light b p" when a few strokes of the typewriter could have made all clear while at the same time eliminating the self-incrimination feature of handwriting? Why, indeed, wouldn't this have been done unless the notes were, as Hiss says they were, personal reminders to which he referred for his oral reports to Sayre?

A THIRD significant point in connection with the memos is that none dealt with vital secrets. They do not seem to fall into the category specified by Chambers, messages of such import that Hiss had only fleeting access to them and so could not bring them out. One of the memos, for example, dealt with a sensational and widely-publicized case of an American couple in Russia to whom American officials had first been denied access; the other three stressed neutrality and disarmament matters, subjects on which Sayre specialized and on which he was consulted frequently by superiors. Of these last three, one memo, the second in the series, seems more startling for what it doesn't say than for what it does.

This was the memo that began with the "30 Potez-63" gibberish. Hiss had added a pencilled elucidation. "About March 2," he had written, "U. S. Embassy in Paris cabled that although France was permitting shipment of military supplies to China via Indo-China only to fill existing orders, it was understood that this restriction was being liberally construed. For instance, the Military Attaché had learned that China had recently placed an order in France for 30 Potez-63 planes, one of the latest French types, a light bomber-pursuit."

The note, as can be seen, dealt only with a neutrality matter that fell within Sayre's special sphere. It made no mention of another paragraph in the original cable that would have been of intense interest to Russia—a paragraph of such significance that it would seem impossible for the most stupid Russian spy, let alone a man of Hiss's mental attainments, ever to have missed it. The paragraph read:

> The Japanese Army chiefs realize that today the Japanese people are worked up to a pitch where they will accept any sacrifice in prosecution of war; that if this patriotic fervor is allowed to subside it will be extremely difficult to whip it up again; and that therefore advantage should be taken of this situation to strike against Russia. Furthermore, these military chiefs are convinced that they will be able to wage a successful war against Russia while holding the Chinese in check on their flank with little difficulty.

Can anyone possibly believe that Hiss, were he the dedicated Communist, the dedicated Russian spy that Chambers pictured him to be, would have ignored such a sensational passage dealing with an imminent threat of war between Japan and Russia?

In his book, Hiss says that this paragraph, which was NOT in his memo, which Chambers and the Russians did NOT get, "was the one passage of vital interest to the Russians" in the entire list of State Department documents that either were summarized or reproduced in Chambers' collection.

JUST AS THE handwritten memos strain logic, if one is to accept Chambers' version of their meaning, so does the much more voluminous sheaf of fifty-eight typewritten pages. Anyone who has the slightest knowledge of investigative techniques can hardly fail to be impressed by the oddity of the entire typing procedure. Standard practice virtually outlaws such typing in undercover work for two reasons: photography is much faster and unquestionably more authentic.

Our own military intelligence in the years prior to World War II used photographic techniques that enabled documents to be microfilmed almost as rapidly as one can flip the pages of a book. These were not secret techniques; they could be employed by any highly-skilled, adequately-equipped commercial photographer. The Russian spy ring, according to Chambers, had two photographic studios available to it, one in Washington and one in Baltimore. And it is significant that, for years, the ring did use these facilities.

Henry Julian Wadleigh, the State Department employee who testified at the Hiss trials that he (Wadleigh) had filched documents and passed them to Chambers and to another courier named Carpenter, always brought out documents to be photographed. He testified that it was never suggested to him that he should type up documents for transmission. It seems peculiar that one active spy would bring out documents for microfilming; that a second, operating at the same time, if Chambers' story is true, would be asked to use his own typewriter.

Chambers' explanation was that his superior in the spy ring, a Colonel Bykov, had suggested the typewriting process. Chambers said that he had been visiting Hiss once a week or once every ten days to pick up documents, but that Bykov was dissatisfied with the amount of information that was being produced. As a result, on a trip to New York, Chambers testified, he took Hiss to a Brooklyn theatre and introduced him to Colonel Bykov. It was at this meeting that Bykov suggested that he "increase the flow" of documents by putting his typewriter to work copying extra papers in the intervals between Chambers' visits.

There seems to be no adequate explanation why a professional spy like Chambers couldn't make more visits to pick up more documents for more microfilming if a step-up in quantity was desired, but Chambers

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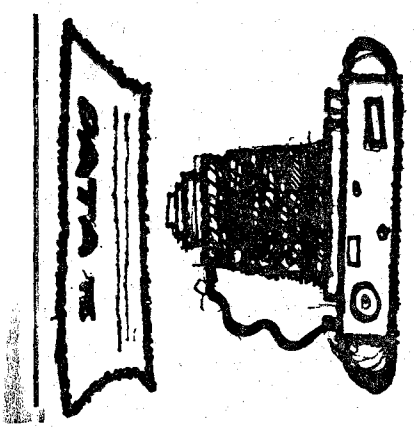
insisted that the new method was instituted and that Mrs. Hiss volunteered for the job of typist, glad to do her bit for the party. After this, Chambers said, he would call at the Hiss home, gather the typed pages and drive to Baltimore to have *them* microfilmed. He would then destroy the typewriting, giving Bykov just the photos.

The extra and seemingly unnecessary step of typing documents that were going to be microfilmed anyway would appear to have served no logical purpose except, ultimately, to incriminate Hiss. Aside from this implausibility inherent in the scheme, the defense managed to pick holes in some of the details. Chambers insisted that he had visited the Hisses' Volta Place home regularly while the last deliveries of documents were being made, but he admitted he didn't know how he got in. He couldn't recall whether he had a key; he couldn't recall whether he had to ring the bell or knock, or indeed whether the house was equipped with a bell or a knocker.

These gaps in recollection about a residence so often visited may seem strange to a skeptic. Other points made by the defense are even more clear-cut. One of these dealt with Chambers' testimony in the Baltimore libel depositions about the mysterious Colonel Bykov. According to this testimony, Chambers himself had not met Bykov at the time that, in his revamped trial testimony, he pictured himself as introducing Bykov and Hiss. The defense also showed that, in his 1945 FBI questioning, Chambers described how he went to a Brooklyn theatre and was introduced to Bykov. In this recital, he had made no mention of Hiss. In his book, Hiss suggests that maybe Chambers met Bykov only once in the darkened Brooklyn theatre, since Chambers' description of Bykov and Wadleigh's description of the spy-ring superior, unquestionably Bykov, do not mesh. Wadleigh testified Bykov had only one arm; Chambers had pictured him as a whole man with two arms.

Such is the background against which one must try to assess the validity of the typed documents. One of these stands out from the rest as a most curious exhibit. It takes up twenty pages of typing, almost one-third of the total of sixty-five pages, and is a verbatim reproduction of a State Department paper entitled *Economic Development of Manchukuo.* The report included complicated columns of figures setting out shareholdings in a new company. Defense testimony showed that the report had languished in Sayre's office, where Hiss could have had access to it, from Feb. 16 to March 11, 1938—a period of almost a month during which, had Chambers been calling for documents every week or ten days, it would have been infinitely simpler to film its intricate details than to copy them.

This laborious typing of a lengthy



report of infinitesimal value wasn't the only odd circumstance brought out by the defense in connection with the typed and photographed documents. A majority of these were shown to have gone to Sayre's office, where Hiss might have obtained them, but there was a disturbing minority that did not fit into this pattern.

MANY OF the photographed documents, which took up fifty-eight pages, dealt with negotiations for a trade agreement with Germany. One of these was in German, which Sayre did not read—a circumstance which makes it seem unlikely that it would have been sent to his office without, at least, an English translation. Other photographs were of carbon copies of originals that had been typed up in the Trade Agreements Section, but it was shown that the apparently invariable practice had been to send the originals, NOT carbons, to Sayre's office. Finally, at least one of the photographed documents apparently never went to Sayre's office at all, but was kept in the files of the Trade Agreements Section.

A similar contretemps arose in connection with the typewritten documents. Chambers had infinite difficulty trying to explain his source for Exhibit No. 10, a report prepared by the Military Intelligence Division of the War Department. Testimony showed that this Document had NOT been typed on Hiss's Woodstock, but on some other machine. Furthermore, testimony showed that this particular document went only to the Far Eastern desk of the State Department. Sayre's office never had it, and so Hiss, it would seem, could never have had it.

Chambers was grilled closely about this incongruity. First, he insisted that he had received the document from Hiss; next, he said he might have gotten it from White, who was in the Treasury Department and, it would seem, could not possibly have had access to it; and finally, he switched back to his original story: Hiss had given it to him.

Wadleigh, who had worked in the Trade Agreements Section where many of Chambers' documents originated, was cross-examined on the theory that he had supplied Chambers with some of the papers attributed to Hiss. Wadleigh said that he "could not be certain" that he hadn't given Chambers the Manchukuo report, and he picked out some half-dozen other official papers as documents that he might have turned over. He agreed that he might also have passed along the microfilmed trade-agreement documents that came from his section.

This testimony lends some weight to the supposition that Wadleigh, not Hiss, may have been Chambers' source, but obviously it is not the complete explanation. Wadleigh's departure for Turkey on March 11, 1938, made it impossible for him to have furnished the later documents dated up to April 1. These must have been supplied either by Hiss or by some other confederate of Chambers inside the State Department.

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There is no direct evidence that Chambers had such a confederate, but there are cogent reasons for believing that the typed documents could not have been prepared by Hiss and his wife as a part of a regular spy routine. These reasons were spelled out by Lane, Hiss's final counsel, in his futile battle for a new trial for Hiss. Lane finally had had the documents submitted to close expert examination. This disclosed, as he told the court, that the documents produced by Chambers fall into two distinct categories. The paper on which one batch was typed evidently had been cut down to size, approximately 8 by 10½ inches, after the typing was done. Even more significant, there was a distinct difference in the aging of the paper; one batch of documents had aged much more than the other.

But how could this be? If the documents had all been obtained from Hiss over a three-month period, if they had all been typed as they were procured, if they had all been hidden away in the same envelope for ten years, they should all have aged to the same degree. The fact that one group of documents hadn't aged as much as the other is certainly one of the most provocative elements in the entire case.

A further fact, not mentioned in Lane's motion papers but which his office insists the scientific evidence discloses, is that the dividing line between the two sets of differently-aged documents is the date of Wadleigh's departure for Turkey. Just one document, one which the defense contends was not secret and might have been obtained at the time from any of a number of sources, falls outside this neat time division. It is the only thing that breaks up a pattern that might seem almost suspiciously pat.

The scientific analysis of the paper led Lane to make one more startling charge—"that none of the Baltimore documents can have been kept in the envelope" in which Chambers swore he found them. The documents, Lane declared, are "devoid of the stains and pressure marks which they would have had to show if they had been in the envelope." Furthermore, said Lane, the envelope was of such size that it could not possibly have contained all that Chambers had testified it contained. If this is so, it might suggest that Chambers' original recollection that he had only limited material of little value was, indeed, the true recollection.

THIS entire line of evidence, which suggests inescapably that Hiss was framed, was not developed, unfortunately, until after Lane got into the case, and so it has never been subjected to the acid test of trial which alone could determine its validity. In the two long courtroom battles, the defense appears to have accepted the basic factual premises of the government's case and to have tried to combat them only by an analysis of the contents, and history, of the documents. This, as far as it went, was effective. How much more effective it might have been, had it been reinforced with reliable scientific testimony, must always remain a matter of conjecture.

As it was, defense counsel Cross made one of his strongest points, in summing up to the jury in the second trial, in a carefully-reasoned analysis of the intrinsic nature of the documents:

> I call your attention to Exhibit 11. Exhibit 11 is a summary or excerpt from sixteen underlying State Department documents. In other words, you had to have sixteen documents, or information copies of sixteen different cablegrams, to have written the four pages that make up Baltimore Exhibit 11. No. 2 on this list did not go to Mr. Sayre's office. Now, if No. 2 did not go to Mr. Sayre's office and wasn't available to Mr. Hiss, how in the world could he have typed the full four pages of Exhibit 11? Whoever did it had to have all of the underlying documents. . . .
>
> I will take another one, Exhibit 42. Forty-two is only two paragraphs. The second did not go to Sayre's office, did not go to Hiss; he did not have it. . . .
>
> And there are still others about the typewritten documents showing that at least five of them never went to Mr. Sayre's office, which would mean, if you count up the underlying documents, I think about twenty out of some seventy-two.
>
> Now the significant thing about this schedule is that an information copy of all these documents that form the basis of these Baltimore typewritten documents either went to Trade Agreements, where Wadleigh was stealing papers, or FE [the Far Eastern Division] where we know the Baltimore Exhibit 10 was stolen. . . .

By contrast, one examines Murphy's closing speech in vain for any penetrating analysis, any counter-explanation. Murphy did not analyze. Ridicule was his weapon. Wittily, breezily, he skimmed the surface. He hammered hard at the indisputable fact that many of the documents were dated after Wadleigh's departure for Turkey; he stressed the view that Hiss's four handwritten memos were themselves a factual condemnation of Hiss; he made the typewriter, sitting there in the courtroom, practically a living witness against Hiss. The typewriter, tied to the documents by the typing, condemned Hiss, didn't it?

The jury evidently thought so, for ultimately it convicted Hiss. Only after the trial was over and the verdict in did one other strange tidbit of information come to light in Stripling's and Chambers' books dealing with the case. These disclosed that, at one point, it had seemed as if Chambers' photographed documents were about to backfire on him—and on the House committee.

The microfilm on which the documents had been recorded was submitted to an Eastman Kodak representative in Washington. After checking with the home office in Rochester, he shocked investigators by asserting that this particular piece of film hadn't been manufactured

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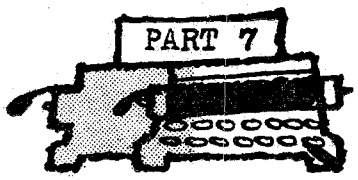
until 1945. An hour and a half later, of his own volition, the representative telephoned the House committee and said he had made a mistake; the film had indeed been manufactured in 1937—a finding that fit the requirements of the filmed documents.

The brief interval between this first and second verdict by the Kodak man, it is generally agreed, was a bad time for all engaged in prosecuting the case. Stripling wrote subsequently that he "felt like taking a dive out the nearest window." Nixon, he said, telephoned Chambers to demand an explanation, and Nixon's voice was "harsh."

And what was Chambers' explanation? A man who *knew* with absolute certainty how he had obtained these documents, and when, would certainly be expected to insist that the expert *must* be wrong, that he *had* to be wrong. But Chambers, according to Stripling, told Nixon merely: "I have nothing to say except that Fate is against us." Chambers' own version is that he told Nixon: "God is against me."



Woodstock No. 230,099

One of the most famous typewriters ever built is an ancient Woodstock machine bearing the serial number 230,099. This is the machine that is still in the custody of Lane, for one of the ironies of this fantastically-tangled case is that it was Hiss who produced the machine—and the government who used it to convict Hiss.

Just as there could have been no conviction of Hiss without the documents produced by Whittaker Chambers, so there could have been no conviction of Hiss without the typewriter Hiss himself produced—the machine that tied the documents to him.

In the rash of heavily-weighted newspaper headlines in which the Hiss case was fought, this fact was virtually obscured. In the final trial, Murphy's brilliant forensics, completely outclassing the more sober and plodding talents of Claude Cross, worked an amazing transformation. The typewriter, which the defense had produced, became the government's prize exhibit; and under Murphy's handling, the anomaly of the guilty man bringing into court the instrument that would establish his guilt never registered with the jury or the public.

How did Murphy work this miracle? Simply by contending that the deep-dyed traitor, Hiss, had been helpless to do anything else.

In his summation, Murphy pictured the Hisses as debating what they should do when they learned that Chambers had broken with communism. Recognizing their danger, they would take every care to cover their traces, Murphy argued. Then he plunged into this imaginary conversation between Hiss and his wife:

> "The only thing remaining to get us into trouble other than his word [Murphy had the Hisses saying to each other] is the typewriter. If they find those instruments we are sunk." So what do they do? If they sold the typewriter they might be traced. If they brought it over to the bridge going to Roslyn and dropped it into the Potomac, somebody might see them. Guilty knowledge. So they give it to their trusted maid's children, knowing full well that they didn't type, that it would be put to abuse and gradually disintegrate, gradually.

It is a full measure of Murphy's oratory that such arrant nonsense could be made to sound persuasive.

Does anyone seriously doubt that, in ten years, Hiss couldn't have found a better way to dispose of the typewriter if he knew it to be an instrument of guilt? A few blows of an axe would have smashed up the type faces beyond recognition; the machine certainly might have been flung into a deserted woods, on a garbage dump, into a lonely lake or river anywhere between Washington and Vermont, where Hiss spent the summers. Does anyone seriously question that, once Hiss had divorced himself from the typewriter in any of these ways, it could hardly ever have been found and traced back to him? Does anyone seriously question that the surest way to make certain that it *would* be traced would be to dispose of it to a "trusted maid" in his own household?

In these circumstances, the true history of Woodstock No. 230,099 becomes the final and the most crucial single element in determining what weight should be given to the prosecution's case, what interpretation should be made of the prosecution's motives. This, then is its history—or at least this is the history (there is considerable doubt that the two are the same) of the Woodstock machine that, indisputably, the Hisses once possessed:

In the early 1930s, Hiss's father-in-law, Thomas Fansler, retired from his Philadelphia insurance business. He gave his daughter, by then married to Hiss, his office typewriter. Mrs. Hiss used the machine for several years; it was in the Hiss household during the short time that the Chamberses admittedly stayed there in 1935. Several letters written on the machine by Mrs. Hiss later were uncovered by the FBI in a nationwide search. The latest in date was a letter typed by Mrs. Hiss on May 25, 1937, applying for admission to the University of Maryland's course in inorganic chemistry.

The next step in the history of the Hisses' Woodstock is clear except for one transcendent element—time. The Hisses, during one of their Washington changes of residence, gave the old machine to Cleide Catlett, their maid, for the use of her two boys. Hiss insists in his book that "by 1948 my wife and I had completely forgotten how we had disposed of the old Woodstock and didn't even recall its make."

In the spring of 1949, one of Cleide Catlett's sons, Raymond (Mike)

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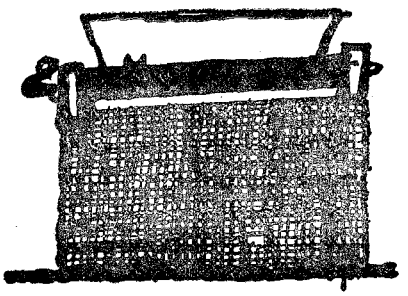
Catlett, came to Donald Hiss in Washington. He said he had heard that there was a hunt on for the old typewriter and that he thought he knew where it was because it had been given to him and his brother, Perry Catlett, when they were children. Following this lead, one of Hiss's attorneys, Edward C. McLean, traced the machine through several transfers of ownership to a truckman, Ira Lockey, who had received it as part-payment for a moving job. McLean paid Lockey $40 for the machine and so, just six weeks before the first trial, the defense secured possession of Woodstock No. 230,099, which it introduced in evidence under the supposition that it was the Hiss machine.

One of the most fiercely-waged and inconclusive battles of the trials dealt with the all-important date of the transfer of the old Woodstock from the Hisses to the Catlett boys. Hiss and his wife weren't of much help, and their testimony sounded, or was made to sound, evasive and implausible under Murphy's scathing cross-examination.

The Hisses admitted that, when they were questioned before the grand jury before the machine had been found, they testified that they had given the Woodstock to the Salvation Army or some junkman in 1938. Hiss admitted he had told the grand jury he had a "visual recollection" of the typewriter in his Volta Place home, to which he moved on December 29, 1937. If this was so, the Hisses might well have had possession of the typewriter at the time the documents were typed.

This was, of course, a dangerous admission, and the Hisses, in the trials, altered their testimony. They insisted that their memories had been refreshed by the details related by the Catletts and that they were now certain the typewriter had been given to the Catlett boys at the time of the move to Volta Place, not afterwards.

At the second trial, Perry Catlett testified that the typewriter had been given to him "during the time they were moving; between 30th Street and Volta Place." The prosecution showed, however, that three days before the trial Perry



had given a statement to the FBI in which he said he had received the typewriter "during the period" of the moving. This statement would have agreed with his trial testimony except for the added remark ascribed to him in the FBI document: "I can't remember whether they gave it to me before they moved or after they had moved to Volta Place. They could have lived on Volta Place for several months before they gave it to me."

Confronted with this discrepancy at the trial, Perry, who was then working for the War Department, repudiated this section of his FBI statement. "I did not tell him [the FBI agent] that they gave it to me after they moved in Volta Place," he insisted. "That is a mistake. He wrote that hisself."

The natural tendency, in such a clash of testimony, is to disbelieve the witness and to believe the FBI. Perry Catlett's disclaimer of his own FBI statement, and other involved and confused testimony about efforts he had made to get the Woodstock repaired, undoubtedly backfired upon the defense. The jury may well have gotten the idea that here was a son of a former servant loyally doing his best to help the Hisses. In the final analysis, however, the prosecution was never able to prove conclusively that the Hisses had the typewriter during those critical early months of 1938, nor were the Hisses ever able to prove conclusively that they didn't have it.

During this drawn battle, there emerged a secondary thread which was merely confusing at the time of the trial and did not assume significance until later, when the defense began to examine critically and scientifically the "immutable witnesses" of the prosecution. This secondary testimony dealt with the condition of the old Hiss Woodstock.

Murphy's handling again cast an aura of evasiveness about Mrs. Hiss's testimony. She insisted the Woodstock had become so unworkable she gave it away, but she had trouble explaining just what ailed it. The keys stuck, the ribbon didn't flow right, she said. These seem relatively minor flaws, and Murphy wanted to know why the Hisses hadn't had the machine repaired. Mrs. Hiss didn't seem quite able to tell him.

While this testimony, standing alone, has a suspicious cast to it, one of the points on which there seems to have been general agreement, curiously enough, is that the Hiss Woodstock *was* virtually a wreck. Perry Catlett testified that the keys jammed up so badly the machine was hardly usable when he got it. A Sergeant Roulhac, who boarded with the Catletts, testified that the machine was kept in a kind of junk room. The Catletts gave frequent parties, and sometimes, he said, the celebrants banged on the machine for kicks. The sergeant testified that Perry used to pound on it, so did Perry's girl friend, and so did he himself at times. From the Catletts, the much-abused typewriter passed through other hands until finally it came into the possession of Lockey, the truckman. He testified that, when he got it, it was sitting in a backyard in the rain.

"Well, after I got it, it was in such bad condition that I didn't think it was worthwhile to have it repaired," he said, "but I got it for my daughter to type on because at that particular time she was taking typing."

Later, Lockey's son took the typewriter for his little girl to play with, and as Lockey testified, "that is just where it stayed because no one ever used it—it was in such bad condition."

In the light of this uncontradicted line of testimony, it is amazing to find that Woodstock No. 230,099, when it was brought into court, proved to be a pretty perky old machine. An FBI expert demonstrated that it was still perfectly workable by typing on it with relatively little difficulty, and the jurors in the first trial, their minds evidently intrigued by the mystery of

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the machine, tested it out for themselves.

There seems to be an obvious and inexplicable conflict between the testimony and the visual demonstrations. One would expect, from the testimony of prosecution and defense witnesses alike, that Hiss's discarded Woodstock would not have performed at all the way Woodstock No. 230,099 did in court. One might almost be tempted to wonder whether the witnesses and the demonstrators were dealing with the same machine—except that the FBI testimony, unchallenged at the trial, seemed to establish this beyond doubt.

For years, it was an aphorism of criminal deduction that the typing of a particular typewriter was as identifiable as a fingerprint. The accepted principle was that typing could be traced to the one machine on which it was done, and such a thing as forgery by typewriter was not supposed to be even remotely possible. So well-established were these premises that Hiss's defense accepted them without challenge in the course of two trials.

The evidence seemed without question to link the typed Baltimore documents directly to Hiss's old Woodstock. Ramos C. Feehan, an FBI agent and a specialist in document examination, testified that he had compared the so-called standards, the letters admittedly typed by Mrs. Hiss, with the copied State Department documents. He demonstrated from photographic enlargements the similarity of imperfections in the two sets of typing.

The defense, obviously, was baffled for an explanation. The best that Cross could do in summation was to suggest that somehow Chambers had gotten access to Hiss's typewriter after Hiss had discarded it; that perhaps Chambers had sneaked into the Catlett home and banged away on the old machine, manufacturing the documents that later would convict Hiss.

It was a rationalization, offered without a shred of evidence, that exposed Cross and the defense to the devastating wit of Murphy. The prosecutor, in one of his broad, slapstick impersonations for the jury's benefit, pictured a "confederate" of Chambers coming up to Cleide Catlett's house wearing a cap marked, "Woodstock Repair."

He says to Cleide, "I'm the repair man to fix the typewriter."

Murphy continued:

> Then Cleide says, "Well, which one do you want? The Remington, the Royal, the L.C. Smith? Which one?"
>
> "No. We want the Woodstock."
>
> "Oh, that's over in my boy's house, over at P Street."
>
> And then the next scene, it is the middle of one of these dances. And you see Chambers sneaking in at night, mingling with the dancers, and then typing, typing the stuff, holding the State Department document in one hand—
>
> Oh, Mr. Cross, you've got to do better than that.

While there can be no doubt that the defense had called down upon itself this telling ridicule, Murphy was not content to stop there. He went on in his summation to inject into the case an entirely new proposition, one that went far beyond the bounds of any suggested evidence and was so obviously prejudicial to the defense that it seems to speak volumes about the prosecution's ethics. To appreciate fully the ethical issue, one has to understand the background.

Two weeks before the trial, Cross had sought permission to inspect any material typed by Chambers or Mrs. Chambers in an effort to see whether a scientific study of the vagaries of the typing might help to identify the typist. Murphy had blocked the attempt, submitting to the court an affidavit in which he stated that "it strains one's imagination to see how that would tend to prove who the operator of the Woodstock was. It can hardly be claimed that an expert could tell what individual typed a certain instrument by having a specimen of his typing. . . ."

Yet now, in the closing minutes of the case, the evidence in, the defense helpless to reply, Murphy called upon the inexpert jury to attempt the very feat he himself had protested was impossible even for an expert. He called upon the jurors to "look for a similarity of mistakes" in the typing of Mrs. Hiss's personal letters and the typing of the Baltimore documents. Ignoring the fact that FBI experts had not attempted to draw any conclusions about the identity of the typist, Murphy pictured these relatively common mistakes—the striking of r for i, f for g and f for d—as showing that the two sets of documents had been typed by the same hand.

This tactic, unjustified by the evidence, drew no rebuke from Judge Goddard. The suggestion was allowed to stand, and there is some indication that it may have influenced the jury. For after the panel had received the case and retired to the jury room, it called for the documents, indicating that it may have been trying to make just the kind of comparison Murphy had urged.

SUCH IS the evidence on which Hiss's conviction was based. It wasn't until after the second jury had returned its verdict that Hiss raised the issue of forgery by typewriter, and Lane set out to prove that this was possible.

The lawyer's first step was to try to show that a typewriter could be built that would duplicate exactly the typing of Woodstock No. 230,099. Martin K. Tytell, a New York typewriter expert, agreed to try. Tytell, in an article in *True* in August, 1952, told the story of his experiences in building a Woodstock typewriter to match the samples of typing Lane had given him from No. 230,099—a machine Tytell had never seen.

The task required the canvassing of out-of-the-way typewriter shops for old Woodstock type of a vintage to match that on the supposed Hiss machine. On one occasion, after a long search, Tytell came across a Woodstock branch store in Newark, N. J. It was a lucky discovery, for the store had a number of old Woodstocks with the kind of type Tytell needed. In his *True* article, Tytell told of a conversation he had with the store proprietor as he selected the machines he needed:

> Then, just as I began gathering the machines upstairs to load into my Plymouth suburban, [the proprietor] leaned casually against one

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wall and said haltingly, "Say, Tytell, do you know who you remind me of?"

My wife answered, "No, tell me."

"You remind me of the FBI," he said. I ignored that, but he continued talking to my wife. He put his hand to his head.

"Now what was that case they were working on?" He paused, then blurted, "Oh, I remember. The Alger Hiss case. When we had our office down on Halsey Street a couple of FBI men came into the office and they went through everything. Right in that office they found what they were looking for."

I pursued the subject no further. All I wanted was some type. And I had my type.

This was only one of the odd things that happened to Tytell. As he rebuilt and tinkered with type and perfected his phony Woodstock, peculiar and seemingly inexplicable incidents—experiences such as he had never had in his quiet life before—began to occur around his office, his home, his neighborhood. This is the way Tytell described them in *True*:

> Once, early in June, a girl from Lane's office met me in the street in front of my shop. She was returning some samples of specimens I had taken off the forgery job. I put the samples in my outer coat pocket, went upstairs and, as was my custom, hung the coat in a small outer room at the head of the stairway leading to my shop. The stairs go straight up two flights from the street. A few minutes after I sat down at my desk, I heard footsteps running up. This happens all day long, and I looked for a customer to walk in. But no one came in, and I heard footsteps running down very fast. I walked out to look around. I looked in the outer room. My coat was gone.
>
> A number of suspicious incidents around my home cropped up. A telephone repairman got by the maid to take care of some complaints—but I had never made any complaints. A mysterious inquisitor tried dating my neighbor's maid after asking her if she could tell him all she knew about the Tytells and their habits.

Such experiences involving members of his own staff subsequently led Lane, using the restrained language dictated by legal propriety, to make a bold and important charge. "Significantly," he told the court in his motion papers asking for a new Hiss trial, "my investigation of the authenticity of No. 230,099 is the only phase of my investigative activity which to my knowledge has invoked Government surveillance."

Despite this surveillance, Lane's typewriter researches produced results. Tytell succeeded in creating a machine whose typing, according to affidavits Lane filed with the court, was virtually indistinguishable from that of Woodstock No. 230,099. Affidavits of reputable experts asserted they would not have suspected that two machines did the typing had they not been told in advance of examination that this was so. Their analyses also showed that, on the basis of the limited appraisal of certain letters—the technique used by Feehan at the trial—they could not have detected the forgery.

This showed, of course, merely that the State Department documents produced by Chambers *could* have been forged, not that they *had*.

To prove that forgery had indeed taken place, Lane tried to trace the history of Woodstock No. 230,099 to determine whether it was really the Fansler-Hiss machine or another machine that had been substituted. Once he touched this apparently sensitive subject, Lane found every conceivable roadblock thrown in his way. He detailed many of these roadblocks in his affidavit. They constituted his major reason for requesting a public hearing to compel unwilling or scared witnesses to testify and to compel the FBI to produce sequestered information. Judge Goddard refused to entertain the motion.

While this refusal probably blocked for all time the kind of final determination to which both Hiss and the public seem, in retrospect, to have been entitled, Lane's circumscribed researches turned up some highly disturbing facts:

A Woodstock bearing the serial No. 230,099 would have been manufactured about August, 1929—certainly no earlier than the first week of July, 1929.

Yet Woodstock No. 230,099, as exhibited in court, had a type face used only on Woodstocks manufactured in 1926, 1927, 1928 and possibly the very early part of 1929.

The machine that had belonged to the Hisses had been in use in Fansler's office as early as July 8, 1929—and so could not possibly have been Woodstock No. 230,099, which would not have been coming off the factory assembly line, *at the very earliest*, until about that time.

THESE WERE startling official disclosures made by Lane to the court. To any American interested in the fair and even administration of justice—the vital ingredient of democracy—Lane's affidavit detailing the official pressure that sealed lips and kept essential information from the defense must remain forever one of the most shocking aspects of the entire case.

Originally, inquiries at the Woodstock factory in Woodstock, Illinois, produced information that Woodstock No. 230,099 could not have been manufactured before August or September, 1929. A Woodstock official mentioned without elaboration that his company "had helped the FBI find the typewriter in the Hiss case." An attempt by Lane subsequently to get an affidavit covering these points was turned down; a formal request for permission to inspect the records was rejected.

Lane's investigators tried to question Harry L. Martin, who had been associated with Fansler in the Philadelphia office of the Northwestern Mutual Life Insurance Co. Prior to the discovery of Woodstock No. 230,099 by the defense, a defense investigator *had* questioned Martin, who had said that the Fansler machine had been purchased in early 1928. Later, when Lane tried to establish this essential point beyond possibility of challenge, Martin refused an interview and said, according to Lane, that "he would not discuss the matter under any circumstances without the formal consent of the Agent in charge of the FBI in Philadelphia."

Attempting to establish the identity of the Fansler-Hiss typewriter by another method, Lane's investigators interviewed O. J. Carrow, who had been a Woodstock branch manager in Philadelphia from 1927

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to 1938. Carrow had been questioned by the FBI in late 1948 or early 1949. He recalled that he had told FBI agents that the machine they were interested in would have been sold in Philadelphia about November, 1927, allowing for a six-month margin of error—an estimate that agrees perfectly with Martin's original statement to Hiss investigators that the machine *had* been purchased in early 1928. Carrow thought that the machine the FBI questioned him about bore a different serial number than 230,099, but he could not be positive about the number because the FBI had taken all his records and never returned them.

One final effort to establish a positive check-point on the Fansler-Hiss machine was made at the headquarters of Northwestern Mutual in Milwaukee. The insurance company at first refused to cooperate, citing possible ire of its stockholders, but finally granted permission to Donald Doud, a document expert, to study photostats of letters typed to the head office in Milwaukee on the Fansler machine. Doud's examination showed that a letter typed on July 8, 1929, agreed in type-face pattern and exhibited the typing characteristics later noted in Mrs. Hiss's letters and the Baltimore documents. This particular typewriter model, Doud reported, was manufactured from 1926 "until some time in the latter part of 1928 or early 1929." It could not possibly have been manufactured as late as July or August, 1939, when Woodstock records indicated No. 230,099 had been made. But Doud, having come to these conclusions in letters which Lane presented to the court, refused to sign an affidavit.

Lane summed up the issues at stake in this pungent paragraph in his affidavit:

> It is the handicaps surrounding the investigation which most require the Court's attention. We search for records—the FBI has them. We ask questions—the FBI will not let people talk to us. We request access to ordinary documents in corporate files—corporate officials fear the wrath of their stockholders. We ask people to certify information in files they have shown us—they must consult counsel, and we hear no more from them. We pay experts to give us opinions—and they decline to back them up in court because they "cannot subscribe" to anything which might support the conclusion we believe the facts point to.
>
> And, even worse, honorable and patriotic citizens who have wanted to help have been deterred by the appearance—whether or not it is reality—of official surveillance and wiretapping, and others who have labored to gather information for us in the interests of justice are afraid to come forward for fear of personal consequences which might result to them from public association with the defense of Alger Hiss.

This is probably as close as any attorney has ever come in court to accusing the FBI of Gestapo-like methods, of creating the atmosphere of a police state which is the very antithesis of democracy.

THE barriers that had confronted Lane in attempting to establish by records the identity of the Woodstock did not stop him from making one final attempt to prove the same point through a scientific, metallurgical examination of Woodstock No. 230,099. If the machine had been altered, Lane reasoned, evidence of the tampering might be discovered in its type faces and mechanism. Again Lane had difficulty finding an expert willing to aid the unpopular cause of Alger Hiss, but finally Dr. Daniel Norman, director of chemical research of the New England Spectrochemical Laboratories, of Ipswich, Mass., a man long distinguished in the field of metallurgical analysis, agreed to undertake the task.

As a result of his investigation, Lane subsequently declared flatly in another affidavit to the court:

> . . . I no longer just *question* the the authenticity of Woodstock No. 230,099. I now say to the Court that Woodstock N230099—the typewriter in evidence at the trials—is a fake machine. I present in affidavit form, and will be able to produce at the hearing, expert testimony that this machine is a deliberately fabricated job, a new type face on an old body. This being so, it can only have been planted on the defense by or on behalf of Whittaker Chambers as part of his plot for the false incrimination of Alger Hiss.

Dr. Norman's examination, Lane asserted, showed that "a majority of the types on Woodstock N230099 have been soldered onto the type-bars in a careless fashion, quite unlike the kind of soldering job done at the Woodstock factory or in a regular repair operation; that the solder used for the replacement types has a different metallic content from that used on the types which apparently have not been altered and from that used on other contemporary machines; that the type-face metal in almost half the types contains metallic elements not present in Woodstock type metal until the date of machines of substantially later serial numbers than N230099; that the altered types show tool marks which indicate deliberate alteration of the striking faces of the letters, as well as peculiar finish or polish quite unlike that on types which have worn or aged normally."

Lane declared that these discoveries, reinforcing the Tytell experiment showing that a machine *could* be faked, proved conclusively that Woodstock No. 230,099 *had* been phonied. "Clearer evidence of the plot to incriminate Alger Hiss falsely could scarcely be desired," he declared.

ON STILL another point, Lane combatted the premises of the prosecution. Picking up Murphy's last minute injunction to the jury to study the typing as a clue to the identity of the typist, Lane had the Baltimore documents studied by Miss Elizabeth McCarthy, a skilled documents expert. She concluded that the documents had been typed by at least two persons "whose work varied sharply in evenness of pressure, typing skill, mechanical understanding and control of the machine, style habits, and other similar respects. No one person's work could exhibit such differences."

Miss McCarthy added that the typing characteristics exhibited by Priscilla Hiss in the letters she admittedly wrote varied greatly from the typing of the documents and that "Priscilla Hiss did not in my opinion type any of the Baltimore

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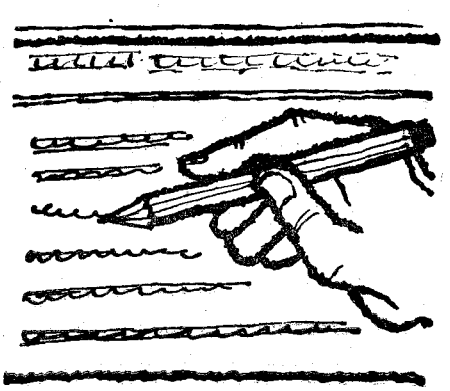
Documents." She insisted that the Baltimore documents "contain at least fifty typing errors of a kind which do bear on the personality of the typist and which do not appear anywhere in the standards, while on the other hand nine errors of that nature appearing in the standards never occur in the Baltimore Documents."

The typed pages produced by Chambers contained one further important clue to their own validity—a number of pencil corrections. Were the papers legitimate, they presumably would have been typed and corrected at various times over a period of three months. Miss McCarthy found, however, that the corrections "give the appearance of having been made in one continuous operation rather than at separate times when the separate pages should have been typed. The corrections and proof-reading marks were made with a soft, grayish-black pencil, in approximately the same condition of wornness and bluntness throughout, and are quite inconsistent with the idea that the same or different pencils were used at a number of times over a three-months period."

Perhaps, from the standpoint of simple logic and credibility, this is the most important of all of Lane's scientific discoveries. Expert testimony on complicated points can always be contested by other experts, so much so that juries are sometimes baffled as to which expert to believe; but the use of one blunt pencil in a continuous operation, where there should have been several pencils in several operations, is so elemental a sign of fraud that it seems impossible that any expert worthy of the title could be in error about it.



The new defense case drew a countering barrage from the prosecution. Myles J. Lane, who had succeeded Murphy as U. S. Attorney in New York, seized upon the Tytell typewriter experiment as a means of ridiculing the charges as "a combination of a Grimm's fairy tale with a bit of a Rube Goldberg twist." He declared that the machine hadn't proved its point because even defense experts admitted that, after they had been warned and had submitted the typing to exceptionally minute analysis, they could detect slight variations. Myles Lane, who is no relation to Chester Lane, also stressed that it had taken Tytell, a typewriter expert, many months to create his fake machine, and he asked how Whittaker Chambers, who was not a typewriter expert, could have phonied a machine in only a fraction of that time.

ON THE all-important question of the time relationship between Chambers' break with the party and the document-passing, the government made what, from the standpoint of logic, must be considered a truly startling concession. It admitted that Chambers had "erred by a few weeks in fixing the time of his obtaining the translation" of the Gumpert manuscript. The government belittled the disclosure as of insufficient gravity to warrant a new trial and clouded the issue by affidavits showing that Chambers' rent on the Mount Royal Terrace apartment in Baltimore had been paid through April 30. No extraneous affidavits, however, can really blunt the significance of the "few weeks error" admission. This is the heart of everything. More than a mere translation date is involved in the discoveries made by Lane in the Oxford University Press files; the unanimous testimony of Chambers and others—one of the few points that elicits general agreement—is that Chambers was a fugitive from Communist vengeance, and had been for some time, when he obtained the translation. Hence an admitted error of a few weeks—an error that means he was a fugitive at the time he would have had to be receiving documents from Hiss if Hiss were truly guilty—is one so monumental that, in effect, it vitiates the entire government case.

In other affidavits, the government combatted the scientific testimony offered by Hiss. One agent denied the FBI had any information about "any other Hiss Woodstock machine other than the trial exhibit" and said that the FBI had not sought any Woodstock except No. 230,099 after May 14, 1949—a date that seems inappropriate to the issue, since the defense information was that a machine with a different serial number had been sought by the FBI long *before* that date. In fact, May 14 was about a month *after* the defense had found and produced the controversial Woodstock. Obviously, if there were two machines and one was planted on the defense, the search and discovery would have taken place before the planting—not afterwards. On still another point, the government came full circle, back to Murphy's original position, asserting—contrary to what Murphy had asked the jury to do in his closing speech—that the identity of a typist cannot be revealed by typing.

FROM A STRICTLY legal, technical standpoint, the government's strongest argument probably was that there was little in the defense's plea for a new trial that was really new, that all of the scientific arguments could and should have been raised at the time of trial had the defense used "due diligence" in preparing its case.

This argument was echoed in Judge Goddard's ruling refusing a hearing on the debated points and refusing a new trial. The judge, like the prosecution, concentrated heavily on the typewriter, standing in isolation, without much regard to the supporting mass of evidence that Lane had cited in his motion papers. Judge Goddard ruled that there was "absolutely no evidence to support" the charge that Chambers had constructed "the alleged duplicate typewriter" and that "there is not a trace of any evidence that Chambers had the mechanical skill, tools, equipment or material for such a difficult task."

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A postscript to the celebrated "forgery by typewriter" issue was written this spring following the publication of Hiss's book. Senator Mundt sent FBI Director J. Edgar Hoover a letter asking whether the FBI had ever compared samples of typing to prove that the Baltimore documents came from the Hiss machine. Hoover replied, as he must have been expected to reply, that the FBI had indeed made such a study.

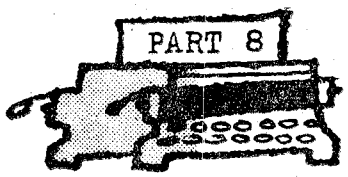
In his answer, Hoover cited a letter from James McQueen, son-in-law of the truckman, Lockey, applying for a federal job. The letter was dated July 26, 1947, just a little more than a year before Chambers first publicly accused Hiss. FBI laboratory experts, Hoover said, ruled that "the same typewriter" that typed this application typed the Baltimore documents. The McQueen letter, Hoover pointed out, is significant because it establishes a link in time and shows that the Hiss Woodstock was in use in Lockey's household a full year before Chambers accused Hiss.

Newspapers hopped upon this disclosure. Their stories gave the impression that the evidence was new and settled for all time the "forgery by typewriter" issue. Actually, the McQueen letter was old hat. It had been introduced in evidence as Exhibit 45 in the first trial, and McQueen himself had taken the stand. Peculiarly, McQueen had testified that he could not remember ever typing the application, or signing it even though he recognized the signature as his; nor did he remember filing the application. Over defense protests, the document was admitted into evidence at the first trial; at the second, the government made no reference to it.

THIS indisputably inconclusive testimony of McQueen seems to contrast sharply with Hoover's contention to Mundt that the McQueen letter is conclusive. In addition, Hoover's letter gives no clue to the scientific processes by which FBI experts determined that "the same typewriter" was involved. Defense evidence would indicate that forgery by typewriter is possible and that the methods used by the FBI at the trial never would detect a skillfully-altered machine. Hence the possibility that there *actually were two* machines still cannot be outlawed.

A basic point that seems to have escaped the press is that the defense did not contend that Lockey never had the original Hiss machine. Certainly, he had it and certainly McQueen could have typed the 1947 job application on it if the machine were workable; otherwise, it would not have been possible for the defense to follow the trail of the Hiss machine to Lockey. This is not the point.

The real issue involves the possibility that government investigators may have followed the trail to Lockey first—and that a switch may have been made, with a forged and highly workable machine on which the Baltimore documents had been produced, being substituted for the one in Lockey's possession. If this were done, it would have had to be done before the defense "discovered" Woodstock No. 230,099. In the light of all the evidence amassed by Chester Lane in his after-trial researches—and especially in the light of all the barriers put in his way in those researches—these are possibilities that, it would seem, simply cannot be ignored. Certainly they demand more positive refutation, if they are to be refuted, than the citation of a dubious letter that James McQueen could not remember typing in applying for a job that he could not remember applying for.



If You Believe Hiss Guilty—

Such are the issues raised by the trial and conviction of Alger Hiss. There was other trial testimony that may have influenced the jury, but which hardly seems of significant weight in any final evaluation of the case. There was conflict between Secretary of State John Foster Dulles and Hiss on whether Dulles had offered Hiss the presidency of the Carnegie Endowment for International Peace when they were both on shipboard going to Europe; there was disagreement between them as to whether Hiss had offered to resign his State Department post after Chambers' accusations were made. The defense put psychiatrists on the stand in an effort to prove that Chambers was a psychopath, incapable of differentiating truth from falsehood, and the maneuver boomeranged when Murphy, in a brilliant display of courtroom technique, made it seem that the psychiatrists, by their own definition, were more psychopathic than Chambers. These were sideshows that may have had some influence, but the basic truth of the Alger Hiss case pivots about these central issues: the duel of credibility between Hiss and Chambers; the *documents;* the typewriter.

The most fundamental of these, of course, is credibility. Murphy's incautious pronouncement in the first trial that, if the jurors didn't believe Whittaker Chambers the government had no case, still holds true. Belief in Whittaker Chambers is essential to belief in Hiss's guilt, for only Whittaker Chambers directly implicated Hiss and, if he testified falsely, then an entirely different interpretation of the meaning of the documents and the typewriter is not only possible, but indeed inevitable.

Strangely enough, it is Hiss, not Chambers, who seems to win the duel of credibility, yet it was Chambers who won the final battle. Hiss's testimony was not perfect, but it was never disparaged, never utterly routed as was Chambers' on many positive assertions of fact—for instance, the myth of Carl, the one-name man; the refutation of his ac-

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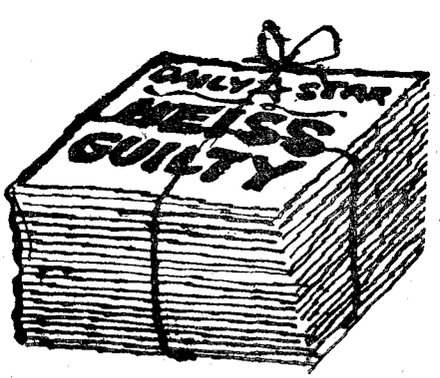
counts of inter-family intimacy by independent witnesses like Boucot and Mrs. Brown and Peterboro's Mrs. Davis; Chambers' own revealing retreat from his emphatic declaration that he had lived in Hiss's 30th Street house; the contradiction of his own testimony by his own testimony on the collection of Communist Party dues from Hiss; the collapse of his charges against Donald Hiss; the collapse of his charge that Alger Hiss was a spy at the time of the Nye committee investigation.

One cannot help but be intrigued by the fact that a witness, proven so unreliable on so many points, could be judged reliable on the main point. How could this happen? There can be no doubt that Hiss fought his battle for vindication from the start in a hostile atmosphere. The mere fact that the House Un-American Activities Committee cross-examined only one witness, Hiss, and accepted without question the obvious conflicts in the testimony of the other witness, Chambers, is graphic proof that the scales were weighted against the defendant before, officially, he became a defendant. They were weighted, too, by a heavily partisan press which accepted without question, without attempt at dispassionate inquiry, the official pronouncements of the House committee regarding Chambers' reliability and Hiss's evasiveness. It is hardly arguable that Hiss was convicted in the headlines before he was convicted in court.

FORMIDABLE as was this combination, it is not, however, the whole explanation. While Hiss's testimony emerges from the test of trial much less shaken than Chambers', there was inherent in it a basic implausibility that defied full acceptance. Hiss pictured his relationship with Chambers as one of the most brief and fleeting nature, and in so doing he deprived himself of any rational explanation for the deed that he still insists Chambers committed—the framing of Alger Hiss. For, obviously, one does not go to infinite trouble and take infinite risks to frame a brief and casual acquaintance; obviously, if Whittaker Chambers framed Hiss, Whittaker Chambers must have had some over-riding, personal compulsion.

It was the basic weakness of Hiss's position that, by denying the possibility of such a motive, he deprived himself of any rational explanation; he left the jury and the public with no alternative except to credit Chambers, to believe Chambers' charge that Hiss had been a Communist collaborator and, so, a spy. This was the fundamental flaw in Hiss's position at the time of trial; it is still the flaw. In his book, he still fails to convey an impression of complete candor. He says that, when he was first told that Chambers was going to accuse him of Communist ties, he paid little attention because the charge was so preposterous he felt no one could believe it. It strains belief that, in the atmosphere of the times, a man of Hiss's intelligence could have taken so cavalier an attitude toward an accusation that he must have known would menace his entire future career. Similarly, Hiss minimizes his hesitancy to identify Chambers and sloughs off the Ford car gift as a mere confusion of dates. The gift was more than this. It was perhaps (even though, curiously enough, the government denied that it ever happened) the strongest indication in the entire case that Hiss must have known Chambers on a closer personal basis than he has ever been willing to admit.

Such reasoning brings one almost full circle—from conviction on the basis of the evidence that the personal tie was not very close, to conviction on the basis of any logical reconstruction of motive that it must have been very close indeed. There is, it would seem, only one way of reconciling this seemingly irreconcilable paradox. The possibility remains that the secret tie, which one feels must have existed if Hiss is truly innocent, may not have been a personal tie of his at all.



THIS feeling is supported by a subconscious, almost subterranean thread that seems to run through the testimony of Chambers and his wife. Time and again, they seem more preoccupied with Mrs. Hiss than with Hiss himself. There are two facets to this odd phenomenon. One, emerging from Chambers' original testimony, is that he was generally more accurate in speaking of Mrs. Hiss than he was in dealing with her husband. He knew details about Mrs. Hiss, her former marriage, her family home, the nature of her ex-husband's job, quite accurately; there appeared no such glaring gaps as he revealed when he turned to Hiss's side of the family and disclosed his ignorance of the true status of Hiss's sister, his ignorance of the right name of Donald Hiss's wife. Later, in the trials, the Chamberses exhibited the other half of this strange fascination with Mrs. Hiss. Time and again, in attempting to demonstrate their intimacy with Hiss, the tie they stressed was his wife. It was Mrs. Hiss, according to Chambers, who showed him the road near Paoli down which "the family farm" lay; Mrs. Hiss who made the long visit to the Smithton cabin; Mrs. Hiss who stayed in Baltimore to care for the baby while Mrs. Chambers went to New York; Mrs. Hiss who, according to Edith Murray, visited the Chamberses several times and Hiss who came just once—and then, primarily, to pick up his wife. One cannot be certain about what all this means, but there is no denying this continuous thread that runs through the Chambers' own accounts. Sensing it, one cannot help being curious about this incongruity—that it was Hiss who was supposed to be the spy and Mrs. Hiss through whom, in so much of their evidence, the Chamberses seemed to try to prove it.

Whether the key to the riddle is to be found in such speculation or not, the fact remains that any real belief in Hiss's innocence must rest

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upon the assumption that there is something still untold, something still hidden. This is a major hurdle to complete acceptance of Hiss's cause. Another lies in the unwillingness of Hiss to reveal himself.

Chambers in his House testimony described Hiss as an exceptionally fine and gentle person. In this, at least, he did Hiss more justice than Hiss has done himself. One reads his book in despair trying to find any clue to the nature of the man. Friends insist that, in personal relationships, Hiss is warm and sympathetic and intensely human; in his book, he is a man standing off in a corner, holding the public at bay while he argues a lawyer's brief. Friends say that they have urged Hiss to abandon this attitude, but that he feels he has been deprived of everything except his privacy, his family life, and this he intends to keep inviolate. There may be personal stature in this determination, but the hard fact is that it does not fit the need of Hiss. He is a man who asks for acceptance, for belief in his cause—and then withholds himself. The public cannot be expected to become aroused about a man it can never hope to know.

Perhaps a key to Hiss's character and to some of his self-created difficulties may be found in an anecdote told by one of his attorneys. "We were talking one night about Alger's cautious legal mind," this attorney said, "and one of his friends remarked: 'You can't ask Alger a simple question and get a straight and simple answer unless he's fully turned it over in his mind and considered it first from all angles. If you asked him, for instance, 'Is it raining outside?' he would either go to the window and look out to see, or he would say, 'Well, it wasn't raining five minutes ago when I came in.' Later I started to tell this story to Alger, but when I reached the part about his walking to the window and looking outside, he interrupted me and said with a grin, 'Or I would say it wasn't raining when I came in.'"

The man who would want to satisfy himself beyond the shadow of a doubt about such a simple and obvious fact as the weather very well could be the man who wanted to assure himself about the condition of Whittaker Chambers' teeth.

IN THE final analysis, it would seem that, if one is to believe Alger Hiss guilty, this is the very minimum that one must believe:

To believe Hiss guilty, one must believe that he was a Communist—even though Chambers' testimony on the collection of Communist dues circled in a maze of voluntary contradictions.

To believe Hiss guilty, one must believe that there was a close and continuous association with Chambers until mid-April, 1938—even though Chambers backed away from a key angle of his own testimony, even though he is further discredited by independent witnesses.

To believe Hiss guilty, one must believe that Whittaker Chambers erred at least eight times in saying he broke with communism in 1937—and that his final testimony, arrived at after the documents were produced, arrived at after many adjustments, was the true testimony.

To believe Hiss guilty, one must believe that Whittaker Chambers was a virtual saint who would risk perjury on the witness stand to protect a former friend by denying he had the documents he had.

To believe Hiss guilty, one must believe that he passed the documents to Chambers as Chambers testified that he did—despite the implausibility of the typing, despite the evidence that he could not have had some of the documents.

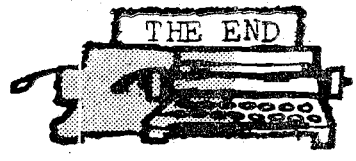
To believe Hiss guilty, one must believe that he would have been such a fool as to pass to Chambers his own handwritten memos, such a fool as to hunt and find and produce the typewriter that would prove his guilt.

There are many, many other details that one must accept merely on Chambers' word, and one must be able to ignore entirely the researches of Chester Lane into the identity of Woodstock No. 230,099 and the internal evidence of fraud in the documents. If one can do all this, then one can believe Hiss guilty. But, if one cannot, one is virtually forced to the conclusion that an innocent man was convicted.

EVEN THIS is not the end. If one concludes that an innocent Hiss was found guilty, one has to ask the inevitable questions: how could this have happened? Could Whittaker Chambers, alone and unaided, have deceived the FBI and the U. S. Attorney General's office? Or must he have had, perhaps on several levels, official collaborators in the perfection of his story and the completion of his deed?

This remains the vital question for America, for if Alger Hiss is innocent, his conviction—a verdict that triggered the Republican battle cry of "Twenty Years of Treason" and that slimy twin, the "Truman-Acheson-A.D.A. Conspiracy"—stands exposed as the most callous outrage ever perpetrated for base political advantage in America.

This is the inevitable, ultimate meaning of the issue of Alger Hiss's guilt or innocence. And while that issue remains, conscience cannot rest.



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RUSSIA REVISITED: A NEW LOOK AT RUSSIA AND HER SATELLITES. By Louis Fischer. Doubleday & Co. 288 pp. $4.

RUSSIA IN TRANSITION AND OTHER ESSAYS. By Isaac Deutscher. Coward-McCann. 245 pp. $4.50.

THE NEW CLASS: AN ANALYSIS OF THE COMMUNIST SYSTEM. By Milovan Djilas. Frederick A. Praeger. 214 pp. $3.95.

Robert D. Warth

THE AUTHORS of the books here reviewed should be reasonably familiar to readers who take more than a perfunctory interest in Soviet affairs. Frederick L. Schuman, professor of government at Williams College, has been a long-time contributor to *The Nation*, while Louis Fischer, veteran journalist and author, contributed regularly in the twenties and thirties. Isaac Deutscher, a journalist-turned-historian, is best known for his masterful biographies of Stalin and Trotsky. Milovan Djilas is a latecomer to the ever-growing "science" of Soviet expertise; and by virtue of his credentials as one of Marshal Tito's former comrades, as the ex-Vice President of Yugoslavia and a certified martyr to Communist tyranny (now serving a three-year sentence because of an article he wrote last November for the *New Leader*), he seems likely to outstrip his rivals in publicity and sales, if not in profundity.

Diverse in background, method, style and interpretation, the four have at least this common denominator: varying degrees of partiality in the past to the "Soviet experiment"—if one might use an antique phrase which has since disappeared down the memory hole. It would be accurate but somewhat misleading to say that three, and possibly four, have since become estranged, for none quite conforms to the stereotype of the professional ex-Communist steeped in the bitter gall of a lost utopia. Only two—Djilas and Deutscher, the latter of more seasoned vintage—were party members, and they have retained much of the Marxist *Weltanschauung* and an affinity for democratic socialism. Fischer, who was alienated some twenty years ago, never wholly lost his independent judgment even in the pre-Stalinist era when it was easy to give the struggling Soviet state the benefit of a doubt. It is perhaps no coincidence that Schuman, the least emotionally involved of the four, has not entirely jettisoned the ideological baggage which his more splenetic critics have long identified as Soviet apologetics.

Schuman's *Russia Since 1917* represents in many ways the summing up of the story for a generation of liberals which was nourished more than two decades ago on the Webbs' *Soviet Communism*. Attracted more than repelled by the drama of a whole nation under forced draft, appalled by the crisis of capitalism and democracy alike during the Great Depression, buoyed up once more by the Grand Alliance against fascism during the Second World War, the non-Communist but pro-Soviet liberal was not intellectually oriented to a new age of cold war and Red hunts. In his earlier work, *Soviet Politics at Home and Abroad* (1946), Schuman epitomized this viewpoint, sometimes naively but with logic, artistry and conviction. His publication date unfortunately coincided with the Great Change in international affairs, and events since then—most notably the Khrushchev speech on Stalin—have not dealt kindly with a number of controversial matters which he resolved in favor of the Soviet Union.

His new book, to a much greater extent than he concedes in his preface, is in its earlier chapters a condensed version of *Soviet Politics*. There are, of course, major changes in emphasis and interpretation. Stalin has been drastically downgraded; the Opposition, especially Trotsky, has not precisely been upgraded, but at least the Moscow trials are no longer taken at face value. The role of political repression and terror is acknowledged in more realistic terms; and the pervasiveness of the forced-labor system under Stalin is not dismissed as an anti-Soviet propaganda fantasy. In short, there is a more skeptical attitude throughout toward Moscow's motives, intentions and actions.

OF THE new material on the past decade disproportionate space is devoted to world affairs in what purports to be a political history of Soviet Russia. There are, however, no glaring omissions in the story of internal developments, and one must concede that for both the United States and the USSR the cold war has been a crucial factor in molding the domestic scene. Despite a somewhat ambiguous "plague on both your houses" approach to the intricacies of East-West relations, Schuman has succeeded in executing a deft and vivid sketch of the international power struggle. It is "objective" without being detached; but, needless to say, it does not conform to the apocalyptic version popular in the United States—as in Russia—of a struggle between the Forces of Light and the Forces of Darkness.

Were it not for Georg von Rauch's *History of Soviet Russia*, published in translation earlier in 1957, it would be safe to say that *Russia Since 1917* has the field to itself. As it is, the two books complement each other well. The German scholar's more thorough acquaintance with the sources and his ill-concealed rancor toward the Soviet regime is balanced by Schuman's more sympa-

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thetic account and by unrivalled powers of organization, synthesis and style. It is indeed the latter's ebullient prose, the hallmark of his prolific writings, which should commend the book to a large audience of non-specialists. For old Russia hands, especially of the academic variety, the judgments may seem overly glib and the diction too racy; these are advised to find solace in the somber and considered pages of von Rauch.

THE OTHER volumes under review are less ambitious in scope: they do not, at any rate, purport to deal with Soviet history in a systematic fashion. Fischer's *Russia Revisited* is the most ephemeral. Yet it is informed and readable journalism. The impressions gleaned from a twenty-day visit to Moscow in 1956 would not ordinarily justify a published work, but the author's qualifications are exceptional. As a close student of Soviet affairs (his two-volume study of Russian foreign relations in the twenties is still the standard guide on the subject), and as an almost continuous resident of Moscow from 1922 to 1938, his recent experiences were hardly those of a tourist. His personal narrative after an eighteen-year absence —essentially the first half-dozen chapters—is a warm human interest document drawn with skillful discernment. The rest of the material is less "popular" since it is not drawn from on-the-spot observation.

The core of the book is a condemnation of current Soviet policy as refracted through the prism of the revolutionary upheavals in Poland and Hungary in 1956. While there is little in his account of these dramatic events which is original either in fact or in interpretation, it is a convenient summary for those who lack the time and inclination to plow through the already extensive documentation. Fischer appears to accept the conventional Western verdict that the satellite uprisings were an outgrowth of intolerable Soviet exploitation and oppression. If that were so, revolt would have been endemic in Stalin's day. It is no accident that the unrest spread after and not before his death. Historically speaking, and contrary to popular opinion, revolution is not the product of poverty and tyranny but of uncertainty, timidity and ineptitude in the ruling class combined with mass discontent catalyzed by half-measures of reform (or war) and expressed through a politically sophisticated leadership.

These classic ingredients for a revolutionary situation—most obvious in the case of the French Revolution—were all present in altered form under the radically different circumstances of the post-Stalinist Russian empire. But Hungary's "Bastille Day" ended in an orgy of bloodshed because spontaneous uprisings cannot succeed when armed power remains loyal to the *status quo* and the old order is unwilling to abdicate. The irony of the Hungarian tragedy lies in the fact that "revolution" could and undoubtedly would have been victorious had it been confined to the permissable limits of the Polish experience. The perpetual cry of lost causes everywhere—"too little and too late"—was for Hungary a case of "too much and too soon."

Fischer is unwilling to concede that the Soviet monolith has mellowed in recent years. Look at what happened in Hungary, he says in effect. That it occurred precisely because of that mellowing will seem too absurd a paradox to those who have committed themselves unalterably to the proposition that a totalitarian society cannot by its very nature sow the seeds of its own dissolution. That it can and that it probably would in the case of the Soviet state was the daring thesis of a brilliant *tour de force* written by Isaac Deutscher within a few weeks of Stalin's demise in 1953 and published under the title *Russia: What Next?* His predictions were greeted with derision in many quarters and found particular disfavor among cold-war crusaders, very likely because the mere thought of a housebroken Russia in the international community would be treason to carefully nurtured preconceptions.

DEUTSCHER has now brought together his leading essays and reviews of the past nine years in *Russia in Transition.* Except for the addition of three essays and the excision of two others, it is identical with the English edition published in 1955 as *Heretics and Renegades.* This collection of his shorter pieces confirms the opinion which I have held since his *Russia: What Next?* — that Deutscher has no peer among the hordes of commentators upon the Soviet scene. He is, moreover, that rare curiosity among his genre—a live Marxist who has openly proclaimed his heresy. But his philosophic predeliction rests lightly upon him, and his work is sustained by its own virtues: facility of expression, a solid grounding in Russian and Soviet history, a profound distrust of the accepted shibboleths of Sovietica, and a healthy conviction that Soviet communism is a rational phenomenon capable of being under-

Prelude

I fear the man of undistinguished mien
whose empty eyes are pennants of disgust,
his job a bore, his barren wife a grouch,
his purse an insult and his thinning years
a rout along the stations of defeat.
I see him where the sights and sounds are fused
in a revolving mirror which returns
wails to my laughter, laughter to my grief.

I dance—he mimics with ungainly step.
I love—he leers like grinning skull.
I bid for peace—he reaches for his gun.
We walk together on our separate stars
each planning details of a desperate act.
I note his habits, haunts and set routine.
His silence is an echo of my guilt
and mocks the simple logic of my love.

WILLIAM PILLIN

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stood on the same terms as other historical data.

The lead article, dated January 1, this year, was written especially for this volume and is one of two which have not previously appeared in print. In it the author now maintains that the USSR is living through the "twilight of totalitarianism." That the process is as far advanced as this seems most questionable. De-Stalinization is, after all, not necessarily the equivalent of progressive reform, as Deutscher implicitly admits: "Of Stalin's successors it may be said that they drive Stalinism out by Stalinist methods." Nevertheless, whatever the methods of the present Kremlin oligarchy and whatever the pace of the change, Soviet society is groping fitfully toward a solution to the great dilemma of the Stalinist legacy: economic progress and educational opportunity manacled to the dead weight of intellectual and bureaucratic obscurantism. Yet it would be illusory to suppose that a revolution meaningful to the Russians would ever produce the liberal, parliamentary, capitalist society of the West.

The other essays are a disparate group, though half of them concern recent Soviet developments. The remainder are either more remote in point of time ("Marx and Russia," "Trotsky on Stalin," etc.) or relate to topics not readily classifiable. Their pungency must be sampled to be appreciated. I would suggest as a bare minimum and as subjects of general interest the neat dissection of the "Ex-Communist's Conscience" and the devastating commentary on George Orwell's "Mysticism of Cruelty"—*1984*.

DJILAS' *The New Class* is an ambitious and not unsuccessful attempt to analyze the political, social and ideological structure of contemporary communism. As an anti-Communist tract of the times, a warm welcome is already assured. As a sober, reasoned and essentially philosophic discourse, it deserves an examination on its own merits.

Few analogies to this work spring to mind. Although there is no shortage of memoirs by the disillusioned, few have attempted an impersonal treatise of this type. Of disaffected Communists of Djilas' stature, only Trotsky is vaguely comparable. His *The Revolution Betrayed* was a full-blown attack on the Soviet "Thermidor" as perpetuated by Stalin, yet it staunchly defended communism as such. Djilas draws no fine distinctions of this order. Not the man (or the times) but the system is important to him, and there is a tendency to blur the differences among the Soviet Union, China, Yugoslavia and the satellites as if they were inconsequential. His passionate conviction certainly rivals Trotsky's and is the more effective for his evident lack of personal ambition and an absence of polemics. Still, there is disappointment in the externals of his presentation: a Marxist aridity, a plodding repetitiveness and a painfully frugal style. These defects alone will militate against an enduring popularity for the book. The deliberate decision to exclude the personal element (an autobiography is reported to be underway) was probably not wise.

It is scarcely possible to summarize a work in which almost every passage invites a critique. There is much deadwood that an able editor might have pruned under normal circumstances. The author takes pains, for example, to demolish the old Marxist chestnut about the "withering away" of the state. On the other hand, there are flashes of insight into the inner workings of party and state that only one of Djilas' background could have crystallized. He is, in general, overly preoccupied with the problem of power, though not always explicitly, and sees in it the "essence of contemporary Communism"—a unilateral approach which Western observers have also stressed of late.

His most original idea is his concept of the Communist as a member of a new ruling class comparable to the feudal aristocracy and the capitalist bourgeoisie. Within limits, this is a useful device. Every society generates its own ruling group or "class." To say that the party combines the economic and political functions of the historic ruling classes is a half-truth which neglects the role of the intellectual and managerial elite in Soviet society, only a portion of which is Communist. The ordinary party member remains well outside even a broadly defined "power elite."

Perhaps the book's major weakness is the implicit assumption that communism stands solely for a static, bureaucratic society held in the vice of numb conformity. The expanding economy of the Soviet Union is acknowledged, but considered wholly in political terms, never for its social impact. That the new generation of the Soviet intelligentsia is no longer satisfied with the "primitive magic of Stalinism" (to borrow Deutscher's phrase); that the Communist world is in a state of flux from which there can be no retreat to the stilted orthodoxies of the past—all this, the very meat and drink of the social analyst, is ignored for what would be a reasonably familiar indictment were it not cast in the sectarian mold of Marxian disputation. Within his own terms, Tito's Yugoslav heretic has made a distinctive contribution to the literature of anti-communism. Whether it will have more than transitory validity will depend upon how far and how fast communism evolves from the Stalinist prototype.

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Goya, Malraux and Modern Despair

SATURN: AN ESSAY ON GOYA. By André Malraux. Translated by C. W. Chilton. Phaidon Press. 184 pp. $10.

Harold Clurman

I FOUND this book an exciting experience. I say this at once because it is the kind of book about which one could easily take either side. One could speak of it, as Edmund Wilson did of the same author's *Psychology of Art*, as a masterpiece, or belittle it as shrewdly as Lincoln Kirstein did. All depends on what one seeks.

Saturn is both an esthetic appreciation and a poem apropos of Goya which bears witness to the dilemma of André Malraux' soul. Actually—though Malraux warns us that he assumes the reader already knows the life and work of Goya—there is sufficient concrete statement in his book to be illuminating in the way of objective critical analysis. Yet the manner of Malraux' writing, in which sentences often carry more freight than they can bear, forces one to reread many of them several times to determine their (not always exact) meaning. His latest book abounds in what might be described as surrealist aphorisms.

It took Goya forty years to become Goya. He began as a consummate eighteenth-century court painter in whom flattery and charm were generally subservient to a rather mocking observation. Then from about 1789 through to the early years of the nineteenth century, Goya did the work—most of which became public posthumously—that gave him his unique place in the history of art.

He renounced allurement and became, to quote Malraux, "the greatest interpreter of anguish the West has ever known." His work stands "halfway between reportage and nightmare. In a century which set its heart on consciousness and logic, Goya introduced the unconscious. [He] drew a language from the darkness."

GOYA "foreshadows the whole of modern art. . . . [He] abolished decoration . . . The Golden Age, like the age of Louis XIV, accepted the world; and Venice as well. Goya rejected it, and meant to give his rejection the strength and brilliance that the West had achieved by its acceptance." Goya's work is in part "an indictment of God . . . our greatest poet of blood." "I have said elsewhere," Malraux continues, "that for an agnostic a possible definition of the devil is that which in man aims to destroy him. This is the devil which fascinated Goya."

Goya, according to Malraux, was a forerunner of the moderns in another—presumably less ideologic—sense. "This is what our contemporaries call Painting," Malraux says: "a Painting which discovers its own individual being in the preeminence of the resources peculiar to painting over those of representation—the right to draw and paint not to achieve an illusion or to express a spectacle in the strongest possible way, but so as to express painting itself."

The last statement would seem to ally Malraux with the "pure" esthetes. But the body of the book shows that Malraux is largely attracted to Goya as a religious (albeit a satanic) artist. There is a contradiction here which offers a clue, I believe, to the nature of Malraux as an artist and as a representative European of our time.

It might have been expected that Malraux would take a line on the Spanish painter similar to that of Klingender's *Goya and the Democratic Tradition*—a Marxist interpretation. For there is no denying that a great part of Goya's work was directly inspired by the corruption of the Spanish monarchy under Charles IV, the horrors of the Napoleonic wars in Spain, and the brutal reaction under Ferdinand VII. After all, did not Malraux fight Franco, and was he not for a while sympathetic to the Communist movement? Yet Malraux says of Goya that he "was in no sense of the word a preacher of plebeian values. . . . Not popular, but artistic, values guided him."

I believe the "artistic values" Malraux speaks of embrace the "plebeian" values of the Marxist critic, just as Malraux' lyric sallies embrace craft problems. But his book does not argue this, it reveals it—as a poem frequently reveals far more than it consciously aims to.

MALRAUX is a typical French intellectual of our day: iconoclastic, with no systematic philosophy, dissatisfied with society, febrile in sensibility, mentally brilliant, adventurous—seeking an outlet in positive action. He looks for answers in exotic sources, he hopes for vindication through socialism. Disillusioned with this, he continues to fight tyranny wherever he finds it. He discovers a new hero who thinks in the grand manner—de Gaulle; and again he is disillusioned. He becomes modest in his political expectations (he nods towards Mendès-France) but now his inner turmoil can only be assuaged by immersion in the world of art. Here he strains toward some super-rational salvation in a quasi-mystic vein with a special appetite for that art which emphasizes man's martyrdom. Since even this is a little too close to a fixed position, Malraux ends by becoming partisan to a revised form of art for art's sake.

His style here tells all. It teems with frantic apothegms; he takes arabesque-like plunges into turbid waters of emotion and metaphysics where defining transcends definition and where it is hoped some spiritual essence will somehow be retrieved from the deep.

The sum of all this sometimes sounds like nervous but flashing salon talk because Malraux is a Frenchman and not a Dostoevskian Russian, but his work for all that mirrors a genuine torment, an authentic struggle with despair. Though there is sometimes the temptation to think of such criticisms as dilettante, it is nevertheless significant.

The book is well translated and beautifully illustrated. It is more valuable on the last count than hundreds of volumes which reputedly explain art inch by inch.

The Word "Beautiful"

Long, glossy caterpillar
with softest feet
of audible and inaudible vowels;

dewberry head so black
it's silver;
nippered lip, and fluent rump;

who moves by the T
at his tifted middle,
a little locomotive hump.

His ripple is felt
by the palm ashamed,
and we are loath to name him;

hairs of his back
a halo's paint
we daren't put round objects anymore.

He's tainted,
doomed to sloth, like those
other lunar insects such

as Velvet,
that we must not touch,
or Rose, or Gold.

His destiny—
a myth or moth—still glows
inside the skull,

although his creep is blue,
the untrusted phosphor
of our sleep.

MAY SWENSON

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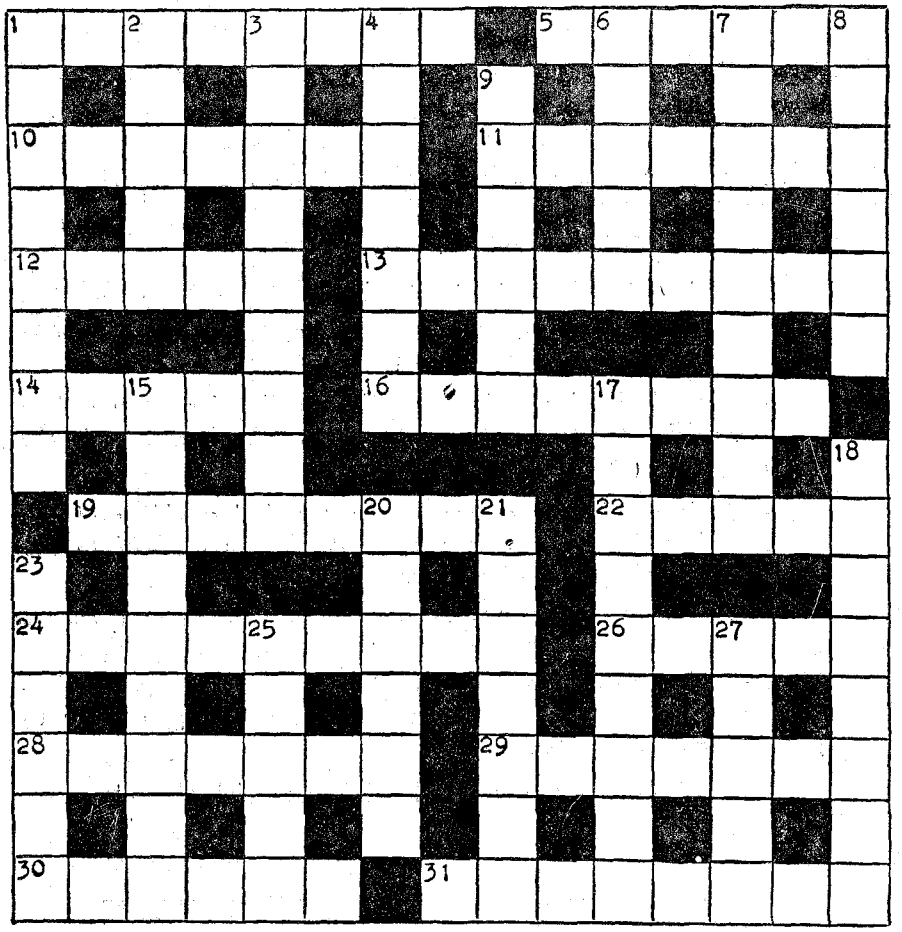
Crossword Puzzle No. 738

By FRANK W. LEWIS



ACROSS:

1 School in time to use a primer? (8)
5 The temper of the trip is changed. (6)
10 He might be interested in beauty of the places the teacher pointed out. (7)
11 Without much 5. (7)
12 The time Noyes suggested we go down to Kew. (5)
13 See 2 down
14 Seneca said the best ones are common property. (5)
16 You should consider one a pure continental type. (8)
19 One couldn't say it wasn't fixed! (8)
22 Certainly seems to be a well-balanced turner! (5)
24 It might make one get it a sort of pass. (9)
26 Some people use it either raw or burnt. (5)
28 The price of a bird, as a way to measure concentration. (7)
29 Confine a rigorous combination. (7)
30 1 across and 24 have the same. (6)
31 Heeded. (8)

DOWN:

1 Such plans seem to call for a river tartan. (4-4)
2 and 13 across Evidently the boat-train's late, which makes one pass up the drinks. (5, 9)
3 The unsuccessful might be admonished by cues on sex. (2, 7)
4, 21 down, 23 down and 27 down The metal fabric, given enough rest and shade, perhaps, will make for a rather unfortunate lot. (3, 4, 3, 4, 3, 3, 5)
6 Has upset father about the creation of a title. (5)
7 Would such a person seem to be in a rather sorry state? (9)
8 Do ruts make for a relatively successful line? (6)
9 A common face for one who makes light contacts. (6)
15 Do elegant letters seem rather drawn out? (9)
17 It might be a vaudeville turn (or perhaps a trifle more arty!) (9)
18 Certainly not given amateur standing! (8)
20 Rouse. (6)
21 and 23 See 4 down
25 A disturbance of 13 is baseless in sequence. (5)
27 See 4 down

SOLUTION TO PUZZLE NO. 737

ACROSS: 1 SHORTCOMING; 9 GRENADES; 11 DOG'S-EAR; 12 EYELETS; 14 RECANT; 15 BADLANDS; 17 FREEHAND; 20 TEDIUM; 22 OMELETS; 24 MONOCLE; 26 ARABIC; 27 NOBLEMAN; 28 TAKE-HOME PAY. DOWN: 2 HONEST ABE; 3 REDRAFT; 4 CASK; 5 MONEYED; 6 NATAL; 7 CREOLE; 8 BOLTED; 13 ABODE; 16 ANDROMEDA; 18 REMARK; 19 ATTACHE; 20 TROUBLE; 21 UNLOAD; 23 LIBYA; 25 and 10 INTONATION.

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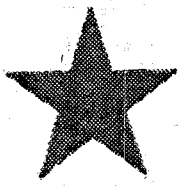

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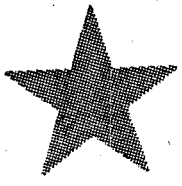

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